



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY
साप्ताहिक
WEEKLY

सं. 24]

नई दिल्ली, जून 7—जून 13, 2015, शनिवार/ज्येष्ठ 17—ज्येष्ठ 23, 1937

No. 24]

NEW DELHI, JUNE 7—JUNE 13, 2015, SATURDAY/JYAISTHA 17—JYAISTHA 23, 1937

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 5 जून, 2015

का.आ. 1178.—केन्द्र सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946, (1946 की अधिनियम सं 25) की धारा 6 के साथ पठित धारा 5 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए गुजरात राज्य सरकार, गृह विभाग, सचिवालय, गांधीनगर की सहमति से दिनांक 3 जून, 2015 की अधिसूचना जीजी/36/2015/ एसबी-1, आईएनक्यू/102015/जीओआई-279 माध्यम से साबरमती रेलवे पुलिस थाना, गुजरात में भारतीय दंड संहिता की धारा 435, लोक संपत्ति नुकसान निवारण अधिनियम की धारा 3(2) एवं 4 एवं रेल अधिनियम, 1951 की धारा 151 के अधीन पंजीकृत आईसीआर सं 49/2004 तथा उपर्युक्त अपराधों के संबंध में किए गए प्रयासों, दुष्प्रेरणाओं और षड्यंत्रों की जांच करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों एवं क्षेत्राधिकार का विस्तार समस्त गुजरात राज्य में करती है।

[सं 245/35/2015-एवीडी-II]

अजीत कुमार, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 5th June, 2015

S.O. 1178.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Gujarat, Home Department, Sachivalaya, Gandhinagar vide Notification GG/36/2015/SB-1, INQ/102015/GOI-279 dated 3rd June, 2015, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Gujarat for investigation of ICR No. 49/2004 U/s 435 IPC, U/sections 3(2) and 4 of Prevention of Damages to Public Property Act and U/s 151 of Railway Act, 1951 registered at Sabarmati Railway Police Station, Gujarat and attempts, abetments and conspiracies in relation to above mentioned offences.

[No. 245/35/2015-AVD-II]

AJIT KUMAR, Under Secy.

नई दिल्ली, 11 जून, 2015

का.आ. 1179.—केन्द्र सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं० 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए महाराष्ट्र राज्य स्थित मुम्बई में दिल्ली विशेष पुलिस स्थापना (के०अ० ब्यूरो) द्वारा संस्थापित तथा केन्द्रीय अन्वेषण ब्यूरो द्वारा सौंपे गए मामलों का परीक्षण-न्यायालयों में तथा उन मामलों से उत्पन्न अन्य मामलों में पुनरीक्षण अथवा अपीलीय न्यायालयों में अभियोजन करने के लिए श्री किरण एन० माकासारे, अधिवक्ता को विशेष लोक अभियोजक नियुक्त करती है।

[फा० सं० 225/18/2014-ए०वी०डी०-II]

अजीत कुमार, अवर सचिव

New Delhi, the 11th June, 2015

S.O. 1179.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Shri Kiran N. Makasare, Advocate as Special Public Prosecutor for conducting prosecution of cases instituted by Delhi Special Police Establishment (CBI) in the state of Maharashtra at Mumbai as entrusted to him by the Central Bureau of Investigation in the trial courts and appeals/revisions or other matters arising out of these cases in revisional or appellate courts established by law.

[F.No. 225/18/2014-AVD-II]

AJIT KUMAR, Under Secy.

नई दिल्ली, 3 जून, 2015

का.आ. 1181.—सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, नीचे दी गई सारणी के कॉलम (2) में उल्लिखित अधिकारियों को सम्पदा अधिकारी के रूप में नियुक्त करती है जो उक्त अधिनियम के प्रयोजन के लिए सम्पदा अधिकारी होंगे और यह भी निदेश देती है कि उक्त अधिकारी अपने क्षेत्राधिकार की स्थानीय सीमाओं के भीतर उक्त सारणी के कॉलम (3) में उल्लिखित सरकारी स्थानों के संबंध में उक्त अधिनियम के अधीन कथित सम्पदा अधिकारियों को प्रदत्त शक्तियों का उपयोग और सौंपे गए कार्यों को पूरा करेंगे:—

सारणी

क्रम सं०	अधिकारी का पदनाम, प्रशासनिक प्रधान, अथवा उसका जो भी पदनाम हो	सरकारी स्थानों की श्रेणियां और अधिकारिता की स्थानीय सीमाएं
1	2	3
1.	उप महाप्रबंधक, आईएफसीआई लि०, चंडीगढ़ क्षेत्रीय कार्यालय, आईएफसीआई भवन, 1-सी, सेक्टर 27-ए, मध्य मार्ग, चंडीगढ़-160019.	फ्लैट नं० 1474, 1475-ए, 1475-बी, 1477, 1476-बी एवं 1478-सी, आईएफसीआई स्टाफ कालोनी, सेक्टर-37-बी, चंडीगढ़-160036.
2.	महाप्रबंधक, आईएफसीआई लि०, मुम्बई क्षेत्रीय कार्यालय, अर्नेस्ट हाउस, 9वां तल, एनसीपीए रोड, 194, नरीमन प्वाइंट, मुम्बई-400021.	फ्लैट नं० 204, ब्लू डायमंड अपार्टमेंट, जुहू तारा रोड, सांताक्रुज (वैस्ट), मुम्बई-400049.
3.	महाप्रबंधक (सम्पदा), आईएफसीआई लि०, 61, नेहरु प्लेस, नई दिल्ली-110019	औराफिन कार्पोरेशन लि०, 12वां तल 'बी' विंग (1650 वर्ग फीट), आईएफसीआई टवर, 61, नेहरु प्लेस, नई दिल्ली-110019

[फा० सं० 2/5/2013-आईएफ-I]

जे० एस० फौगाट, अवर सचिव

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 20 मई, 2015

का.आ. 1180.—रुग्ण औद्योगिक कंपनी (विशेष उपबंध) अधिनियम, 1985 की धारा 6 की उप-धारा (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री जे०पी० दुआ, औद्योगिक एवं वित्तीय पुनर्निर्माण बोर्ड (बीआईएफआर) के सदस्य को अध्यक्ष का कार्य-भार ग्रहण करने की तारीख से नए अध्यक्ष के कार्य-भार ग्रहण करने तक अथवा अगले आदेशों तक, बीआईएफआर में अध्यक्ष के रूप में कार्य करने के लिए प्राधिकृत करती है।

[फा० सं० 20/2/2011-आईएफ-II (खंड-I)]

एम०एम० दौला, अवर सचिव

MINISTRY OF FINANCE

(Department of Financial Services)

New Delhi, the 20th May, 2015

S.O. 1180.—In exercise of the powers conferred by sub-section (5) of Section 6 of the Sick Industrial Companies (Special Provisions) Act, 1985, the Central Government hereby authorizes Shri J.P. Dua, Member in the Board for Industrial and Financial Reconstruction (BIFR) to act as Chairman, BIFR from the date of assumption of the charge till new Chairman, BIFR is in place or until further orders.

[F.No. 20/2/2011-IF-II (Vol. I)]

M.M. DAWLA, Under Secy.

New Delhi, the 3rd June, 2015

S.O. 1181.—In exercise of the powers conferred by section 3 of Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the Officers mentioned in column No. 2 of the table below to be Estate Officers for the purpose of the said Act and further direct that the said officers shall exercise the powers conferred and the duties imposed on a Estate Officer by or under the said Act within the local limits of their jurisdiction in respect of the public premises falling under area as specified in column No. 3 of the table below:—

S.No.	Designation of the Officer, Administrative Head, whatsoever designation called	Categories of public premises and local limits of control of jurisdiction
1	2	3
1	Deputy General Manager, IFCI Limited, Chandigarh Regional Office, IFCI Bhavan, 1-C, Sector 27-A, Madhya Marg, Chandigarh-160 019	FLAT Nos. 1474, 1475-A, 1475-B, 1477, 1476-B & 1478-C IFCI Staff Colony, Sector-37 B, Chandigarh-160036
2	General Manager IFCI Limited Mumbai Regional Office, Earnest House, 9th Floor, NCPA Road, 194, Nariman Point, Mumbai-400021	Flat No. 204 Blue Diamond Apartment, Juhu Tara Road, Santacruz (W), Mumbai-400 049
3	General Manager (Estates) IFCI Limited 61, Nehru Place New Delhi-110019	Aurafin Corp. Ltd. 12th Floor, 'B' Wing (1650 sq. ft.), IFCI Tower, 61, Nehru Place, New Delhi-110019

[F.No. 2/5/2013-IF-I]
J.S. PHAUGAT, Under Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

(भारतीय मानक ब्यूरो)

नई दिल्ली, 6 मई, 2015

का.आ. 1182.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के नियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं:—

अनुसूची

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा मा संख्या	भाग	अनु	वर्ष
1	2	3	4	5	6	7	8	9
1.	720000298	02/01/2015	हर्ष इरीगेशन प्रा. लिमिटेड बी 11, पुष्पम सोसाइटी, खारावाला कम्पाउंड इसनपुर, अहमदाबाद-382443	फर्टिलाइजर तथा कैमिकल इनजेक्टर सिस्टम	14483	1	-	1997
2.	720000327	02/01/2015	अंजली बिबरेजिस सर्वे नंबर 46, प्लॉट नंबर 64, भारतनगर को-ओप हाउसिंग सोसाइटी, घनश्याम नगर के पीछे, वराछा रोड, सूरत-395006	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	-	-	2004

1	2	3	4	5	6	7	8	9
3.	720000177	05/01/2015	प्रभुदास ज्वैलर्स 43, श्याम काम्पलैक्स, नोबल नगर, नरोडा, अहमदाबाद-382330	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
4.	720000207	05/01/2015	आस्था मैन्यूफैक्चरिंग वाडिलाल फैक्टरी के सामने, पुनधारा, ता मानसा, गांधीनगर-382855	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	-	-	2004
5.	720000217	05/01/2015	ओम बिबरेजिस रैवेन्यू सर्वे नंबर, 1203 तावाडिया रोड, मेहसाना-384001	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	-	-	2004
6.	720000227	07/01/2015	रिमझिम एकवा ए-108, मारुति इंडस्ट्रियल एस्टेट, विभाग-1, नरोडा फायर स्टेशन के सामने नरोडा रोड, अहमदाबाद-382345	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	-	-	2004
7.	720000237	07/01/2015	मारुति बिबरेजिस प्लॉट नंबर, 169/170, मान सरोवर सोसाइटी, डिनडोली टलाव के पास, एट डिनडोली सूरत-395040	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	-	-	2004
8.	720000247	08/01/2015	आर फ्रेश बिबरेजिस अरबुदानगर शॉपिंग सेंटर, छगनभाई की वाडी के पास, अरबुदानगर, ओढव, अहमदाबाद-382415	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	-	-	2004
9.	720000198	08/01/2015	ए-1 फेंस प्रोडक्ट्स कंपनी प्रा. लिमिटेड सोनीवाडी के पीछे, वानकस सब स्टेशन रोड गांव टयूंब, ता अंबरगांव, वलसाद-396150	इनडैक्स टू स्टील डैमिनेशन	16014	-	-	2012
10.	720000278	12/01/2015	उमिया ज्वैलर्स बी/1 18 मारुति काम्पलैक्स, एस जी रोड, सिद्धपुर, पाटन-384151	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
11.	720000288	12/01/2015	क्वीक मैटल इंडस्ट्रीज प्लॉट नंबर 525/26, शैड नंबर 2, रुद्राक्ष काम्पलैक्स के पीछे, ग्रीड स्टेशन के पास ओढव रोड, अहमदाबाद-382415	डोमैस्टिक प्रेशर कुर्कर्स	2347	-	-	2006
12.	720000317	12/01/2015	हरविश ज्वैलर्स एस/एफ 231 त्रीवा काम्पलैक्स, अभिषेक कालोनी, नट्टूभाई सर्कल, वडोदरा-390007	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
13.	720000448	12/01/2015	श्रीधर इरीगेशन प्रा. लिमिटेड ब्लाक नंबर, 93, विंझूवाडा दालोड रोड एट पोस्ट विंझूवाडा, ता मंडल, अहमदाबाद-382130	ईरीगेशन इक्वूपमेंट पालीथलीन पाईप्स फार ईरीगेशन लेटरलस	12786	-	-	1989
14.	720000257	12/01/2015	सोनी विनोदकुमार ज्वैलर्स 61713 मोटा बाजार, नवसारी-396445	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
15.	720000268	13/01/2015	द्वारकेश ज्वैलर्स शॉप नंबर 3, रघुकुल अपार्टमेंट, वार्ड नंबर 10/494/4, लिम्डाचौक, जलालपुर रोड, नवसारी-396445	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्कारी शुद्धता एवं मुहरांकन	1417	-	-	1999
16.	720000307	16/01/2015	डी डी स्टील आर एस नंबर 79, गाँव : वनकपुर ता गोधरा, पंचमहल-389001	कार्बन स्टील कास्ट बिलैट इनगोट्स, बिलैट्स बलूमस तथा सलैब्स फार रि-रोलिंग इंटू स्टील फार जनरल स्ट्रक्चरल परपस	2830	-	-	2012

1	2	3	4	5	6	7	8	9
17.	720000337	19/01/2015	विनायक पोलिपाईप्स प्रा० लिमिटेड सर्वे नंबर 589, 590/2, अहमदाबाद हरसोल हाइवे, पेट्रोल पम्प के पास, ता तालोड, साबरकांठख, हरसोल-383305	अनप्लास्टिस्टाईजड पी वी सी स्क्रीन तथा केसिंग पाईप्स फॉर बोर/ट्यूबवैल	12818	-	-	2010
18.	720000348	19/01/2015	अदित्य एक्वाटैक सी के तथा कंपनी कम्पाउंड सुपर ऑटो गैराज के पीछे, बहुचराजी रोड, कारेलीबाग, वडोदरा-390018	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	-	-	2004
19.	72000417	21/01/2015	नीयोसील एडहैसिव प्रा० लिमिटेड ए-323 राजलक्ष्मी काम्पलैक्स, बर्ड सर्कल के पास, ओ पी रोड, वडोदरा-390007	सोलवेंट सिमेंट फॉर यूस विद अनप्लास्टिस्टाईड पालीविनाइलक्लोराइड प्लास्टिक पाईप तथा फिटिंग्स	14182	-	-	1994
20.	720000378	23/01/2015	धोंडे ज्वैलर्स शॉप नंबर 1/ए., 1304, श्री राम को- ओप हाउसिंग सोसाइटी, नेहरू स्ट्रीट, वापी, वलसाद-396191	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
21.	720000358	27/01/2015	आर के ज्वैलर्स 3 ओमकार अपार्टमेंट, हाउस नंबर 3055 अनाविल वाडी के सामने, जोशी स्ट्रीट, नवसारी-396445	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
22.	720000368	27/01/2015	श्री जलाराम सुवर्णमहल ओरनामेंट प्रा० लिमिटेड पौटरी फार्म रोड, भोलानगर स्कूल के पास, अतुल वलसाद-396020	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
23.	720000388	28/01/2015	दर्शन केबल इंडस्ट्रीस प्लॉट नंबर सी/1/135, जीआईडीसी इंडस्ट्रियल एस्टेट, फेस 1, पुष्पक इंडस्ट्रियल एस्टेट के पास, वटवा, अहमदाबाद-382445	क्रास लिंकड पालीथलीन इंयूलेटिड पीवीसी शीथड केबलस	7098	1	-	1988
24.	720000398	28/01/2015	राज पम्प कॉर्पोरेशन ए-14, मंगलम एस्टेट, अमित प्रोसेस कंपाउंड, ओमनगर क्रासिंग के पास, नरोडा रोड, अहमदाबाद-380025	सबमर्सिबल पम्पसैट	8034	-	-	2002

[सं सीएमडी/13:11]

डॉ० एस० एल० पालकर, वैज्ञानिक 'एफ' एवं प्रमुख

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION**(Department of Consumer Affairs)****(BUREAU OF INDIAN STANDARDS)**

New Delhi, the 6th May, 2015

S.O. 1182.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations, 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule:

SCHEDULE

Sl. No.	Licences No.	Grant Date	Name & Address of the party	Title of the Standard	IS No.	Part	Sec.	Year
1	2	3	4	5	6	7	8	9
1.	720000298	02/01/2015	Harsh Irrigation Pvt. Ltd. B 11, Pushpam Society, Kharawala Compound, Isanpur, Ahmedabad-382443	Fertilizer and chemical injector system	14483	1	-	1997
2.	720000327	02/01/2015	Anjani Beverages Survey No. 46, Plot No. 64, Bharatnagar Co-op. Housing Society, Behind Ghanshyam Nagar, Varachha Road Surat-395006	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004

1	2	3	4	5	6	7	8	9
3.	720000177	05/01/2015	Prabhudas Jewellers 43, Shyam Complex, Nobalnagar, Naroda, Ahmedabad-382330	Gold and gold alloys jewellery/artefacts- fineness and marking	1417	-	-	1999
4.	720000207	05/01/2015	Aastha Manufacturing Opp Vadilal Factory, Pundhara, Tal Mansa, Gandhinagar-382855	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
5.	720000217	05/01/2015	Aum Beverages Revenue Survey No. 1203 Tavadiya Road, Mehsana-384001	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
6.	720000227	07/01/2015	Rimzim Aqua A-108, Maruti Industrial Estate Vibhag-1, Opp. Naroda Ire Station, Naroda Road, Ahmedabad-382345	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
7.	720000237	07/01/2015	Maruti Beverages Plot No. 169/170, Man Sarovar Soc. Near Dindoli Talav, AT: Dindoli Surat-395040	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
8.	720000247	08/01/2015	R Fresh Beverages Arbudanagar Shopping Centre NR Chhaganbha Ni Wadi Arbudanagar, Odhav, Ahmedabad-382415	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
9.	720000198	08/01/2015	A-1 Fence Products Company Pvt. Ltd, Behind Soniwadi, Vankas Sub-station Road, Village: Tumb, TA: Umbergaon, Valsad-396150	Index to steel designations	16014	-	-	2012
10.	720000278	12/01/2015	Umiya Jewellers B/1 18 Maruti Complex S J Road Siddhpur, Patan-384151	Gold and gold alloys, jeweller/artefacts- fineness and marking	1417	-	-	1999
11.	720000288	12/01/2015	Kwik Metal Industries Plot No. 525/526, Shed No. 2 Behind Rudraksh Complex, Near Grid Station, Odhav Road, Ahmedabad-382415	Domestic pressure cookers	2347	-	-	2006
12.	720000317	12/01/2015	Harvish Jewels S/F 231 Trivia Complex Abhishek Colony, Natubhai Circle, Vadodara-390007	Gold and gold alloys jewellery/artefacts- fineness and marking.	1417	-	-	1999
13.	720000448	12/01/2015	Shreedhar Irrigation Pvt. Ltd. Block No. 93, Vinzuvada- Dalod Road, AT Post: Vinzuvada, Tal: Mandal Ahmedabad-382130	Irrigation equipment polyethylene pipes for irrigation laterals.	12786	-	-	1989
14.	720000257	12/01/2015	Soni Vinodkumar Jewellers 61713, Mota Bazar, Navsari-396445	Gold and gold alloys jewellery/artefacts/ fineness and marking.	1417	-	-	1999
15.	720000268	13/01/2015	Dwarkesh Jewellers Shop No. 3, Raghukul Appartment, Ward No. 10/494/4, Limdachok, Jalalpore Road, Navasari-396445	Gold and gold alloys jewellery/artefacts/ fineness and marking.	1417	-	-	1999
16.	720000307	16/01/2015	D.D. Steel R S No. 79, Village: Vanakpur Taluka: Godhra, Panchamahahal-389001	Carbon steel cast billet ingots, billets, blooms and slabs for re-rolling into steel for general structural purposes.	2830	-	-	2012
17.	720000337	19/01/2015	Vinayak Polypipes Pvt. Ltd. Survey No. 589, 590/2, Ahmedabad-Harsol Highway, Near Petrol Pump, Tal: Talod, Sabarkantha, Harsol-383305	Unplasticized pvc screen and casing pipes for bore/ tubewell	12818	-	-	2010

1	2	3	4	5	6	7	8	9
18.	720000348	19/01/2015	Aditya Aquatech C K & Company Compound BH. Super Auto Garage Bahucharaji Road, Karelibaug Vadodara-390018	Package drinking water (other than packaged natural mineral water)	14543	-	-	2004
19.	720000417	21/01/2015	Neoseal Adhesive Pvt. Ltd., A-323, Rajlaxmi Complex Near Bird Circle, O P Road, Vadodara-390007	Solvent cement for use with unplasticized polyvinylchloride plastic pipe and fittings	14182	-	-	1994
20.	720000378	23/01/2015	Dhonde Jewellers Shop No. 1/A, 1304, Shree Ram Co-op Hou. Soc., Nehru Street, Vapi, Valsad-396191	Gold and gold alloys jewellery/artefacts/ fineness and marking.	1417	-	-	1999
21.	720000358	27/01/2015	R K Jewellers 3 Omkar Appartment, House No. 3055, Opp Anavil Wadi, Joshi Street, Navsari-396445	Gold and gold alloys jewellery/artefacts/ fineness and marking	1417	-	-	1999
22.	720000368	27/01/2015	Shree Jalaram Suvarnamahal, Ornaments Pvt. Ltd., Poultry Farm Road, Near Bholanagar School, Atul, Valsad-396020	Gold and gold alloys jewellery/artefacts/ fineness and marking	1417	-	-	1999
23.	720000388	28/01/2015	Darshan Cable Industries Plot No. C-1/135, GIDC Industrial Estate Phase 1, Near Pushpak Ind. Estate Vatva, Ahmedabad-382445	Crosslinked polyethylene insulated pvc sheathed cables	7098	1	-	1988
24.	720000398	28/01/2015	Raj Pump Corporation A-14, Mangalam Estate, Amit Process Compound Near Omnagar Crossing, Naroda Road, Ahmedabad-380025	Submersible pumpsets	8034	-	-	2002

[No. CMD/13:11]

Dr. S. L. PALKAR, Scientist 'F' & Head

नई दिल्ली, 6 मई, 2015

का.आ. 1183.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम (5) के उपविनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द/स्थगित कर दिया गया है:—

अनुसूची

क्रम संख्या	लाइसेंस संख्या	लाइसेंसधारी का नाम व पता	लाइसेंस के अंतर्गत वस्तु/प्रकम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
1.	3614151	मैसर्स गुरुकृपा मार्केटिंग 617, आर के इंडस्ट्रियल एस्टेट-1 सिद्धकुटीर के सामने, वारछा रोड, सूरत, 395006	पैकेजबंद पेयजल (अदर दैन पैकेज्ड नेचुरल मिनरल वाटर) आई एस 14543:2004	07/01/2015
2.	7819694	मैसर्स ज्योति पावर ट्रांसमिशन प्रा० लिमिटेड प्लॉट नंबर ए-9/17/19 स्टील टाउन, नोवा पेट्रोलियम, गांव मोरैया ता सानंद, डिस्ट्रिक्ट अहमदाबाद	एल्यूमिनियम कंडक्टर फार ओवरहेड ट्रांसमिशन परपस IS 398 : पार्ट 2 : 1996	15/01/2015
3.	2929676	मैसर्स पैरी इंजिनियरिंग एंटरप्राइसिस इंडिया लिमिटेड (ट्यूफलैक्स इंडिया डिविजन) 702-704, जी आई डी सी, पालेज, डिस्ट्रिक्ट भारूच, 392220	आई एस आई हैंडबुक ऑफ मैथमैटिकल, फिजीकल, कैमिकल तथा इंजिनियरिंग टेबलस आई एस 16008 : 2012	21/01/2015

[सं० सी एम डी/13:13]

डॉ. एस. एल. पालकर, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 6th May, 2015

S.O. 1183.—In pursuance of sub-regulation (6) of the regulation 5 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled with effect from the date indicated against each:

SCHEDULE

Sl. No.	Licences No. CM/L-	Name & Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled	Date of Cancellation
1.	3614151	M/s. Gurukrupa Marketing 617, R.K. Industrial Estate-1, Opp. Siddkutir, Varachha Road, Surat, Distt : Surat 395006	packaged drinking water (other than packaged natural mineral water) IS 14543 : 2004	07/01/2015
2.	7819694	M/s. Jyoti Power Transmission Pvt. Ltd. Plot No. A-9/17/19 Steel Town, Opp. Nova Petroleum, Village: Moraiya, Tal : Sanand, Distt. Ahmedabad	aluminium conductors for overhead transmission purposes: IS 398 : Part 2: 1996	15/01/2015
3.	2929676	M/s. Parry Enterprises India Ltd. (Tuflex Indian Division) 702-704, GIDC Palej, Palej Distt : Bharuch-392220	ISI handbook of mathematical, chemical and engineering tables IS 16008 : 2012	21/01/2015

[No. CMD/13:13]

Dr. S.L. PALKAR, Scientist 'F' & Head

नई दिल्ली, 6 मई, 2015

का.आ. 1184.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के नियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं:—

अनुसूची

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा मा संख्या	भाग	अनु	वर्ष
1	2	3	4	5	6	7	8	9
1.	720000407	02/02/2015	हिरल एंटरप्राइस 142/2, काडी छतराल हाइवे, तुलसी पेट्रोलपम्प के सामने, करणनगर, मेहसाना, कडी-382715	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	-	-	2004
2.	720000428	02/02/2015	तारा ट्रेडलिंग प्रा० लिमिटेड प्लॉट नंबर 25, सोहम इंडीग्रिटेड टैक्सटाईल पार्क, महीजाडा तथा टिंबा, दसक्राई, अहमदाबाद-382425	टैक्सटाईल टारपोलिनस मेड फ्राम हाई डेंसिटी पोलथिलीन वोवन फैबरिक	7903	-	-	2011
3.	720000608	02/02/2015	श्री साई ए क बिबरेजिस प्लॉट नंबर 40, एट तथा पोस्ट : अटली प्राइमरी स्कूल के पास, ता वागरा, भारूच-392130	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	-	-	2004
4.	720000438	06/02/2015	प्रति गोल्ड डायमंड तथा गोल्ड ज्वैलरी बी-44, रामकृष्णा सोसाइटी, रामकृष्णा स्कूल के पास, एल एच रोड, वारछा, सूरत-395006	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
5.	720000458	09/02/2015	रोयल बिबरेजिस एस आर नंबर 622/पी 1, एट तथा पी ओ : आकरुंड ता: धनसुरा, साबरकांठ-383260	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	-	-	2004
6.	720000468	09/02/2015	लक्ष्मी ज्वैलर्स जुना बाजार, हिम्मतनगर, साबरकांठ-383001	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999

1	2	3	4	5	6	7	8	9
7.	720000488	10/02/2015	भीमजीभाई जवैलर्स 2, वसुंधरा काम्पलैक्स, हरनी वरासीया रिंग रोड, वडोदरा-390022	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
8.	720000478	12/02/2015	नियूर प्लास्टिक इंडस्ट्रीज 806, कोठारी इंडस्ट्रियल एसटेट, कोठारी चार रस्ता, गांधीनगर, सांतेज	कांड्यूट्स फार इलैक्ट्रिकल इंस्टालेशन	9537	3	-	1983
9.	720000498	13/02/2015	श्री सामोर गोल्ड 8, विश्वा रैसिडेंसी, विश्रामनगर के पास, गुरुकुल रोड, अहमदाबाद-380052	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
10.	720000508	16/02/2015	विमको क्राप साईंस 98/3, लिम्बाडिया गांव, एन एच नंबर 8, रानासन पावर हाउस के पास, गांधीनगर, गांव लिम्बाडिया-382330	साइपरमैथरिन ई सी	12016	-	-	1987
11.	720000518	16/02/2015	अजंता जवैलर्स वार्ड नंबर 4, हाउस नंबर 916, नवसारी ट्रेड सेंटर, नवसारी-396445	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
12.	720000528	20/02/2015	प्रमुख जवैलर्स 11, श्रीनाथगी, बैंक आफ बड़ोदा के पास, हिम्मतनगर, साबरकांठा-383001	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
13.	720000548	20/02/2015	शुभाग्या फुड तथा बिजनेस ब्लाक नंबर 207/629, पेटलाड-बोरसाड रोड एट : रूपियापारा, ता पेटलाड, आनंद-388450	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	-	-	2004
14.	720000568	20/02/2015	टी एस के एंटरप्राइस प्लॉट नंबर 122, फेस-2, जी आई डी सी एसटेट राजपीपला, गांव राजपीपला (रूरल) (कनवरपारा), नानडोड, नर्मदा राजपीपला-393145	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	-	-	2004
15.	720000558	23/02/2015	कनायिया आर्ट जवैलर्स चोकसी बाजार, टावर बाजार के पास, आनंद-388001	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
16.	720000538	23/02/2015	गोपी जवैलर्स शॉप नंबर 5/11, शानकेश्वर काम्पलैक्स, धोबीवाड, वी पी रोड, वलसाद	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
17.	720000578	26/02/2015	नंदकिशोर चंपकलाल सोनी जी/79, शिवम काम्पलैक्स, राजपुरी रोड, बलासीनोर-388255 खेडा	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
18.	720000588	26/02/2015	सोनी हरजी तथा सन्स जवैलर्स वार्ड नंबर 4/2633, शिवम काम्पलैक्स, सेंट्रल बैंक, सयाजी रोड, नवसारी	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
19.	720000628	26/02/2015	अहमदाबाद म्यूनिसिपल कार्पोरेशन सर्वे नंबर 1, ब्लाक नंबर 31 एट: कोटारपुर, ता: अहमदाबाद-382475	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	-	-	2004
20.	720000638	27/02/2015	गौतम गोल्ड जवैलर्स जी-1 ओमकार प्लाजा भातार रोड, एलबी सिनेमा के सामने, सूरत	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
21.	720000648	27/02/2015	एम जे बिजनेस 52, निर्मल इंडस्ट्रियल पार्क, न्यू जी आई डी सी, गोजारिया, मेहसाना-382825	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	-	-	2004

1	2	3	4	5	6	7	8	9
22.	720000658	27/02/2015	माउंटेन बिबरेजिस शुभलाभ एसस्टेट, राजेश इंडस्ट्रीज के पीछे, महेश्वरी मिल रोड, तावडीपुरा, शाहीबाग, अहमदाबाद-380004	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	-	-	2004
23.	720000668	27/02/2015	एक्यूरेट बिबरेजिस भालेज, रेलवे क्रासिंग के पीछे, ता उमरेट, आनंद-388205	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	-	-	2004
24.	720000618	27/02/2015	बिलिटैक बिल्डिंग एलीमेंट्स लिमिटेड ब्लाक नंबर 309, पाटको फुड्स के सामने, एन एच नंबर 8, एट पोस्ट धामडोड, ता मंगरोल, सूरत-394125	कांक्रिट मैसनरी यूनिट्स	2185	3	-	1984
25.	720000598	27/02/2015	वराजराज एकवा आर एस नंबर 295, रतनपुर, दाबहोई रोड, वडोदरा-390004	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	-	-	2004

[सं सी एम डी/13:11]

डॉ० एस० एल० पालकर, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 6th May, 2015

S.O. 1184.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following Schedule:

SCHEDULE

Sl. No.	Licences No.	Grant Date	Name & Address of the Party	Title of the Standard	IS No.	Part	Sec	Year
1	2	3	4	5	6	7	8	9
1.	720000407	02/02/2015	Hiral Enterprise 142/2, Kadi Chhatral Highway, Opp Tulsi Petrol Pump, Karannagar Mahesana, Kadi-382715	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
2.	720000428	02/02/2015	Tara Tradelink P Ltd. Plot No. 25, Soham Integrated Textile Park, Mahijada & Timba, Daskroi Ahmedabad-382425	Textiles-tarpaulins made from high density polyethylene woven fabric	7903	-	-	2011
3.	720000608	02/02/2015	Shree Sai A K Beverages Plot No. 40, AT & Post : Atali Near Primary School Tal : Vagra, Bharuch-392130	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
4.	720000438	06/02/2015	Priti Diamond and Gold Jewellery B-44, Ramkrishna Society, Near Ramkrishna School L.H. Road Varachha, Surat-395006	Gold and gold alloyes, jewellery/artefacts- fineness and marking-	1417	-	-	1999
5.	720000458	09/02/2015	Royal Beverages SR No. 622/P1, AT & PO: Akrund TA: Dhansura, Sabarkantha-383260	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
6.	720000468	09/02/2015	Laxmi Jewellers Juna Bazar, Himatnagar Sabarkantha-383001	Gold and gold alloyes, jewellery/artefacts- fineness and marking-	1417	-	-	1999
7.	720000488	10/02/2015	Bhimjibhai Jewellers 2, Vasundhara Complex, Harni Varasia Ringh Road, Vadodara-390022	Gold and gold alloyes, jewellery/artefacts- fineness and marking-	1417	-	-	1999

1	2	3	4	5	6	7	8	9
8.	720000478	12/02/2015	Niyur Plastic Industries 806, Kothari Industrial Estate Kothari Char Rasta Gandhinagar, Santej	Conduits for electrical installations	9537	3	-	1983
9.	720000498	13/02/2015	Shree Samor Gold 8, Vishwa Residency, Near Vishramnagar, Gurukul Road, Ahmadabad-380052	Gold and gold alloyes, jewellery/artefacts- fineness and marking-	1417	-	-	1999
10.	720000508	16/02/2015	Vimco Crop. Sciences 98/3, Limbadia Village NH No. 08, Near Ranasan Power House, Gandhinagar, Village Limbadia-382330	Cypermethrin ec	12016	-	-	1987
11.	720000518	16/02/2015	Ajanta Jewellers Ward No. 4, House No. 916 Navsari Trade Centre, Navsari-396445	Gold and gold alloyes, jewellery/artefacts- fineness and marking-	1417	-	-	1999
12.	720000528	20/02/2015	Pramukh Jewellers 11, Shrinathgi, near Bank of Baroda, Himatnagar, Sabarkantha-383001	Gold and gold alloyes, jewellery/artefacts- fineness and marking-	1417	-	-	1999
13.	720000548	20/02/2015	Shubhagya Foods & Beverages Block No. 207/629, Petlad-Borsad Road AT : Rupiyapara, Tal: Petlad, Anand-388450	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
14.	720000568	20/02/2015	TSK Enterprise Plot No. 122, Phase-2, GIDC Estate Rajpipla, Village: Rajpipla (Rulal) (Kunvarpara), Nandod, Narmada Rajpipla-393145	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
15.	720000558	23/02/2015	Kanaiya Art Jewellers Choksi Bazar, Near Tower Bazar, Anand-388001	Gold and gold alloyes, jewellery/artefacts- fineness and marking-	1417	-	-	1999
16.	720000538	23/02/2015	Gopi Jewellers Shop No. 5/11, Shankheshwar Complex, Dhobiwad, V.P. Road Valsad	Gold and gold alloyes, jewellery/artefacts- fineness and marking-	1417	-	-	1999
17.	720000578	26/02/2015	Nandkishor Champaklal Soni G/79, Shivam Complex, Rajpuri Road, Balasinor-388255 Kheda-388255	Gold and gold alloyes, jewellery/artefacts- fineness and marking-	1417	-	-	1999
18.	720000588	26/02/2015	Soni Harji and Sons Jewellers Ward No. 4/2633, Shivam Complex, Central Bank Sayaji Road Navsari	Gold and gold alloyes, jewellery/artefacts- fineness and marking-	1417	-	-	1999
19.	720000628	26/02/2015	Ahmedabad Municipal Corporation Survey No. 1, Block No. 31 AT : Kotarpur, Tal : Ahmedabad-382475	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
20.	720000638	27/02/2015	Gautam Gold IS Jewellers G-1, Omkar Plaza Bhatar Road, Opp Elbiee Cinema, Surat	Gold and gold alloyes, jewellery/artefacts- fineness and marking-	1417	-	-	1999
21.	720000648	27/02/2015	M J Beverages 52, Nirmal Industrial Park, New GIDC, Gozaria, Mahesana-382825	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004

1	2	3	4	5	6	7	8	9
22.	720000658	27/02/2015	Mountain Beverages Shubh Labh Estate, Behind Rajesh Industries, Maheswari Mill Road, Tavdipura, Sahibaug, Ahmedabad-380004	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
23.	720000668	27/02/2015	Aqurat Beverages, Bhalej Behind Railway Crossing Tal: Umreth, Anand-388205	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004
24.	720000618	27/02/2015	Bil Tech Building Elements Limited Block No. 309, Opp. Patco Foods N.H. No. 8, AT: Post Dhamdod Tal: Mangrol Surat-394125	Concrete masonry units	2185	3	-	1984
25.	720000598	27/02/2015	Vraj Raj Aqua R S No. 295, Ratanpur, Dabhoi Road, Vadodara-390004	Packaged drinking water (other than packaged natural mineral water)	14543	-	-	2004

[No. CMD/13:11]

Dr. S.L. PALKAR, Scientist 'F' & Head

नई दिल्ली, 6 मई, 2015

का.आ. 1185.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम (5) के उपविनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द/स्थगित कर दिया गया है:—

अनुसूची

क्रम संख्या	लाइसेंस संख्या	लाइसेंसधारी का नाम व पता	लाइसेंस के अंतर्गत वस्तु/प्रकम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
1.	7857096	मैसर्स ज्योति पावर ट्रांसमिशन प्रा लिमिटेड प्लॉट नंबर ए-9, 17/19 स्टील टाउन, नोवा पेट्रोलियम, गांव मोरैया ता सानंद, डिस्ट्रिक्ट अहमदाबाद	एल्यूमिनियम कंडक्टर फार ओवरहेड ट्रांसमिशन परपस आई एस 398: पार्ट 4: 1994	04/02/2015
2.	7534173	मैसर्स जीलैक्स केबल इंडस्ट्रीज 48/सी/2, अश्वामेध एसटेट, नूतन नागरिक बैंक के पीछे, एम एन देसाई पेट्रोल पम्प के सामने, एट गांव चांगोदर, ता सानंद, डिस्ट्रिक्ट अहमदाबाद	पी बी सी इंसूलेटिड केबल आई एस 694: 1990	04/02/2015
3.	7867810	मैसर्स संगम इलेक्ट्रिकल्स ई/9, बिरजू अपार्टमेंट, आजाद सोसाइटी के सामने, अंबावाडी, अहमदाबाद-380015	स्टारस फार फ्लोरसैंट लैम्प आई एस 2215: 2006	04/02/2015
4.	7447582	मैसर्स एम डी एंटरप्राइस महाशक्ति इंडस्ट्रियल एसटेट, पार्ट 2, अरविंद एसटेट के पास, अनिल स्टार्च के पीछे, बापूनगर, अहमदाबाद	ओपनवैल सबमर्सिबल पम्पसेट आई एस 14220: 1994	12/02/2015
5.	2929373	मैसर्स चंद्रा इंडस्ट्रीज प्लॉट नंबर, 342, बाक्सी फालिया कासानगर, दरगाह के सामने, कटरगाम तलाब के पास, सूरत-395004	पी बी सी इंसूलेटिड केबल आई एस 694: 1990	28/02/2015

[सं सी एम डी/13:13]

डॉ. एस. एल. पालकर, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 6th May, 2015

S.O. 1185.—In pursuance of sub-regulation (6) of the regulation 5 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled with effect from the date indicated against each:

SCHEDULE

Sl. No.	Licences No. CM/L-	Name & Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled	Date of Cancellation
1.	7857096	M/s Jyoti Power Transmission Pvt Ltd Plot No. A-9/17/19 Steel Town Opp. NOVA Petroleum Village Moraiya TA Sanand, Moraiya Sanand, Distt: Ahmadabad	Aluminium conductors for overhead Transmission purposes: IS 398: Part 4: 1994	04/02/2015
2.	7534173	M/s Jeelex Cable Industries 48/C/2, Ashwamegh Estate, Behind Nutan Nagrik Bank, Opp M.N. Desai Petrol Pump, AT Village-Changodar Taluka-Sanand Dist-Ahmadabad	PVC Insulated Cables IS 694 : 1990	04/02/2015
3.	7867810	M/s Sangam Electricals E/9, Birju Apartments, Opp. Azad Society, Ambawadi, Ahmedabad-380015	Starters for fluorescent lamps IS 2215: 2006	04/02/2015
4.	7447582	M/s MD Enterprise Mahashakti Industrial Estate, Part 2, Near Arvind Estate, Behind Anil Starch, Bapunagar, Distt: Ahmadabad	Openwell Summersible Pumpsets IS 14220: 1994	12/02/2015
5.	2929373	M/s Chandra Industries Plot No. 342, Baxi Falia Kasanagar Opp. Dargha Near Katagram Talao, Distt: Surat-395004	PVC Insulated Cables IS 694: 1990	28/02/2015

[No. CMD/13:13]

DR. S. L. PALKAR, Scientist 'F' & Head

नई दिल्ली, 6 मई, 2015

का.आ. 1186.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के नियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं:—

अनुसूची

क्रम संख्या	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/ माह	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक	भा मा संख्या	भाग	अनु	वर्ष
1	2	3	4	5	6	7	8	9
1.	720000678	02/03/2015	अवकार ज्वैलर्स 42 मनीष फ्लैट, सुंदर नगर चार रस्ता, नारायणपुरा, अहमदाबाद-380013	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999

1	2	3	4	5	6	7	8	9
2.	720000728	03/03/2015	श्रेया एक्स टैक प्रा लिमिटेड ब्लाक नंबर, 700, मंजूसर सावली रोड, मंजूसर टुंडव, ता सावली, वडोदरा-391775	एक्सप्लोसिव एटमासफियर्स पार्ट 1 इक्यूपमेंट प्रोटैक्शन बाय फ्लेमप्रुफ एनक्लोसर्स “डी”	60079	1	—	2007
3.	720000718	04/03/2015	नारायणी पोलिमर कंपोनेंट्स 13, गजानन एस्टेट, जावेरी एस्टेट के पास, काठवाडा, जी आई डी सी, अहमदाबाद-382430	रबर सिलिंग रिंग फार गैस मेन वाटर मेन तथा सीवर	5382	—	—	1985
4.	720000689	10/03/2015	शुकन ज्वैलर्स ई, 18 मनहरनगर शॉपिंग सेंटर, पार्ट 1, खोडियारनगर क्रास रोड के सामने, बापूनगर, अहमदाबाद-380024	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	—	—	1999
5.	720000699	10/03/2015	निलयकुमार तथा ब्रदर्स ज्वैलर्स स्वामिनारायण मंदिर के पास, वानियावाड सर्कल, कालेज रोड, नडियाड, खेडा-387001	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	—	—	1999
6.	720000708	11/03/2015	आर एस बिबरेजिस सर्वे नंबर 111, जालोड रोड, उसारवान, पोस्ट खारोड, ता तथा डिस्ट्रिक्ट दाहोद-389151	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	—	—	2004
7.	720000738	12/03/2015	एच एन बी फूड्स तथा बिबरेजिस एन एच नंबर 8, ब्लाक नंबर 527, पैकी आर्क सिसोदरा पाटिया के पास, केनास मोजे वैसमा के पास, ता जालापोर, नवसारी-396475	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	—	—	1999
8.	720000799	13/03/2015	ग्रीन पोलिमर्स 95, सोपान केसर इंडसरल हब, सर्वोदय होटल के पीछे, एन एच नंबर, 8 मोरैया गाम रोड, सरखेज बावला हाइवे, एट मोरैया, अहमदाबाद-382110	कांड्यूट्स फार इलैक्ट्रिकल इंस्टालेशन	9537	3	—	1983
9.	720000789	16/03/2015	स्टीलहैक्स इंडस्ट्रीज प्लाट नंबर 525,526 जी आई डी सी एस्टेट वल्लभ विद्यानगर, ता आनंद-388121	सोलर फ्लैट प्लेट कलैक्टर	12933	1	—	2003
10.	720000758	17/03/2015	वैभव ज्वैलर्स शॉप नंबर 1, वाडिलोनू घर, भारूच-392002	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	—	—	1999
11.	720000769	17/03/2015	प्रेम ज्वैलर्स शॉप नंबर 4 श्रीजी देसाई मार्केट, ओल्ड बस स्टैंड के पास, वायरा, तापी-394650	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	—	—	1999

1	2	3	4	5	6	7	8	9
12.	720000779	17/03/2015	सोनी नितिनकुमार भाईलालभाई जी-47, श्यामसुंदर काम्पलैक्स, एट तथा पी ओ मोडासा, डिस्ट्रिक्ट अरावली, साबरकांठ-383315	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
13.	720000808	17/03/2015	अपोला स्क्रीनस प्रा लिमिटेड बी-8 तथा बी-9, धरती अपोलो इंडस्ट्रियल पार्क, छतराल, ता कलोल, गांधीनगर-382729	वैल स्क्रीनस तथा सलोटिड पाईपस	8110	-	-	2000
14.	720000748	19/03/2015	रेनसन पाईप इंडस्ट्रीज, ए-20, एफ एफ/1, सरदार पटेल इंडस्ट्रियल एस्टेट, एन एच नंबर 8, नारोल, अहमदाबाद-382405	हार्ड डेंसिटी पालथिलीन पाईप फार पोटेबल वाटर सपलाईस	4984	-	-	1995
15.	720000879	20/03/2015	विनायक गोल्ड पैलेस बी 34 निलम शॉपिंग सेंटर, स्याम पार्क सोसाइटी के सामने, सरदाद चौक, कृष्णा नगर, अहमदाबाद-380046	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता मुहरांकन	1417	-	-	1999
16.	720000859	23/03/2015	श्री ब्रह्मणी गोल्ड पैलेस, बी/37 बी/126, उदय टैनामैट, शामकुंज के सामने, निकोल रोड, नवा नरोडा, अहमदाबाद-380046	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
17.	720000869	23/03/2015	परेशकुमार ज्यन्तीलाल पारेख जवैलर्स ग्राउंड फ्लोर बाजार, स्ट्रीट 162, एट पोस्ट आटगाम, नवसारी-396403	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
18.	720000818	23/03/2015	निकी इंसूलेशन प्रा लिमिटेड प्लॉट नंबर 843, रकनपुर गांव, गांव लेख के सामने, ता कलोल, गांधीनगर-382721	क्रासलिकंड पालथिलिन इंसूलेटिड पी वी सी शीथड केबल	7098	1	-	1988
19.	720000828	23/03/2015	विजय इंडस्ट्रीज बी-37, खोडियार एसटेड, सत्यम इंडस्ट्रियल एस्टेट के सामने, नरोडा मैमको से बापूनगर रोड अहमदाबाद-382345	सबमर्सिबल पम्पसैट	8034	-	-	2002
20.	720000908	23/03/2015	द सुप्रीम इंडस्ट्रीज लिमिटेड सर्वे नंबर 123/1, पैकी 2 तथा 123/2 पैकी-1, गांव गैट मुवाला, पंचमहल, हलोल	मलटीलेयरड क्रास लेमिनेटिड शीट्स तथा तारपोलिनस/कवर्स	14611	-	-	1998
21.	720000889	24/03/2015	ब्रेडी तथा मोरिस इंजिनियरिंग कम्पनी लिमिटेड 505, जी आई डी सी इंडस्ट्रियल एरिया फेस 4, वटवा, अहमदाबाद-382445	हैंड ओपरेटिड चेन पुली ब्लाकस	3832	-	-	2005

1	2	3	4	5	6	7	8	9
22.	720000899	25/03/2015	श्रीजी पाईप फैक्टरी एट मोडासर, पी ओ बोडेली, वडोदरा-391135	प्रीकास्ट कांक्रीट पाईप (विद तथा विदाउट रेनिफोर्समेंट)	458	-	-	2003
23.	720000838	25/03/2015	श्रेया गोल्ड 18 डी प्लॉट नंबर 4 शॉप नंबर 4/5, अलीश पार्क, रामनगर को ऑप सोसाइटी ए के रोड, सूरत-395006	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
24.	720000849	25/03/2015	सुवर्णशिशखा जवैलर्स एफ एफ 1, उमिया काम्पलैक्स, प्रतापगढ़ के पास, पेट्रोल पम्प, गांधी रोड, साबरकांठा, हिममतनगर	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
25.	720000918	30/03/2015	ध्रुव जैम्स प्रा० लिमिटेड शॉप नंबर 319, 26, 27, 28, 29, 30, टर्निंग पवाइंट काम्पलैक्स, फायर स्टेशन के पास, गोड डोड रोड, सूरत-395007	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
26.	720000929	30/03/2015	वृंदावन ओरनामेंट्स प्रा० लिमिटेड मेन बाजार थाराड, बनसकांठा-385565	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
27.	720000939	30/03/2015	हार्दिक ज्वैलर्स 601, शिव दर्शन अपार्टमेंट्स, उमा भवन के पास, भातार रोड, सूरत-395007	स्वर्ण तथा स्वर्ण धातुओं के आभूषणों शिल्पकारी शुद्धता एवं मुहरांकन	1417	-	-	1999
28.	720000979	30/03/2015	गजानंद इरीगेशन इंडस्ट्रीज प्लॉट, नंबर 11, त्रिभुवन एसटेट, जी आई डी सी, काठवाडा, रोड नंबर 8, काठवाडा, अहमदाबाद-382430	ईरीगेशन इक्वूपमेंट-स्टेनर टाईप फिलटर्स	12785	-	-	1994
29.	720000969	30/03/2015	गजानंद इरीगेशन इंडस्ट्रीज प्लॉट नंबर 11, त्रिभुवन एसटेट, जी आई डी सी, काठवाडा, रोड नंबर 8, काठवाडा, अहमदाबाद-382430	फर्टिलाइजर तथा कैमिकल इंजैक्टर सिस्टम	14483	1	-	1997
30.	720000949	31/03/2015	श्री जगदंबा पोलिमर्स लिमिटेड प्लॉट नंबर 101, 703 से 710, जी आई डी सी एसटेट, ता ढोलका, अहमदाबाद-382225	टैक्सटाईलस-हाई डेंसिटी पॉलीथलीन (एच डी पी ई)/ पालीप्रापलिन (पी पी) वोवन सैक फार पैकिंग 50 किलोग्राम/ 25 किलोग्राम फुडग्रेन	14887	-	-	2014
31.	720001027	31/03/2015	सीमा मिनरल ब्लॉक नंबर 335 पैकी, ओ सैवल स्टार क्लब के सामने गांव शेला, ता सानंद, अहमदाबाद-380058	पैकेजबंद पेयजल (अदर दैन पैकेजड नेचुरल मिनरल वाटर)	14543	-	-	1999
32.	720001037	31/03/2015	जे के वधवा तथा कम्पनी प्लॉट नंबर 2920/ए, फेस 1 जी आई डी सी एसटेट, वापी, वलसाद-396195	सलफयूरिक एसिड	266	-	-	1993

[सं सी एम डी/13:11]

डॉ० एस० एल० पालकर, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 6th May, 2015

S.O. 1186.—In pursuance of sub-regulation (5) of the regulation 4 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule:

SCHEDULE

Sl. No.	Licences No.	Grant date	Name & Address of the party	Title of the Standard	IS No.	Part	Sec	Year
1	2	3	4	5	6	7	8	9
1.	720000678	02/03/2015	Avkar Jewellers 42 Manish Flat, Sunder Nagar Char Rasta, Naranpura Ahmadabad 380013	Gold and gold alloys, Jewellery/artefacts- Fineness and marking	1417	—	—	1999
2.	720000728	03/03/2015	Shreya Ex-Tech Pvt. Ltd. Block No. 700, Manjusar Savli Road, Manjusar Tundav, Taluka Savli Vododara, Manjusar 391775	Explosive atmospheres part 1 equipment protection by flameproof enclosures "d"	60079	1	—	2007
3.	720000718	04/03/2015	Narayani Polymer Components 13, Gajanan Estate, NR. Zaveri Estate Kathwada, GIDC, Ahmadabad 382430	Rubber sealing rings for gas mains, water mains and sewers	5382	—	—	1985
4.	720000689	10/03/2015	Shukan Jewellers E, 18 Manharnagar Shopping Centre Part 1, Opp Khodiyarnagar Cross Road Bapunagar, Ahmedabad 380024	Gold and gold alloys, jewellery/artefacts- fineness and marking	1417	—	—	1999
5.	720000699	10/03/2015	Nilaykumar & Bros Jewellers Near Swaminarayan Temple, Vaniyavad Circle, College Road, Nadiyad Kheda 387001	Gold and gold alloys, jewellery/artefacts- fineness and marking	1417	—	—	1999
6.	720000708	11/03/2015	R S Beverages Survey No. 111, Zalod Road Usarwan Post: Kharod, Tal & Dist. Dahod Dahod 389151	Packaged drinking water (other than packaged natural mineral water)	14543	—	—	2004
7.	720000738	12/03/2015	HNB Foods & Beverages N H No. 8, Block No. 527, Paiki Near Arak Sisodra Patia, Near Canal Moje-Vesma, Tal: Jalapore Navsari 396475	Packaged drinking water (other than packaged natural mineral water)	14543	—	—	1999

1	2	3	4	5	6	7	8	9
8.	720000799	13/03/2015	Green Polymers 95, Sopan Kesar Indusral HUB Behind Sarvoday Hotel NH No. 8, Moreiya Gam Road Sarkhej-Bavla Highway AT: Moreiya, Ahmedabad 382110	Conduits for electrical installations	9537	3	—	1983
9.	720000789	16/03/2015	Steelhacks Industries Plot No. 525, 526, Gidc Estate Vallabh Vidyanagaar Tal: Anand 388121	Solar flat plate collector	12933	1	—	2003
10.	720000758	17/03/2015	Vaibhav Jewellers Shop No. 1, Vadilonu Ghar, Bharuch 392002	Gold and gold alloys, jewellery/artefacts fineness and marking	1417	—	—	1999
11.	720000769	17/03/2015	Prem Jewellers Shop No. 4 Shreeji Desai Market, Near Old Bus Stand Vyara, Tapi 394650	Gold and gold alloys, jewellery/artefacts fineness and marking	1417	—	—	1999
12.	720000779	17/03/2015	Soni Nitinkumar Bhailalbai G-47, Shyamsunder Complex, At PO Modasa, Dist Aravally Sabarkantha 383315	Gold and gold alloys, jewellery/artefacts fineness and marking	1417	—	—	1999
13.	720000808	17/03/2015	Apollo Screens Private Limited B-8 & B-9, Dharti Apollo Industrial Park Chhatral, Tal: Kalol, Gandhinagar 382729	Well screens and slotted, pipes	8110	—	—	2000
14.	720000748	19/03/2015	Rainson Pipe Industries A-20, FF/1, Sardar Patel Industrial Estate, N H No. 8, Narol, Ahmedabad 382405	High density polyethylene, Pipes for potable water supplies	4985	—	—	1995
15.	720000879	20/03/2015	Vinayak Gold Palace B 34 Nilam Shopping Center, Opp Syam Park Society, Sardar Chock Krishnanagar Ahmadabad 380046	Gold and gold alloys, jewellery/artefacts fineness and Marking	1417	—	—	1999
16.	720000859	23/03/2015	Shree Brahamani Gold Palace, B/37 B/126, Uday Tenament, Opp Shamkunj, Nikol Road Nava Naroda Ahamadabad 380046	Gold and gold alloys, jewellery/artefacts fineness and marking	1417	—	—	1999
17.	720000869	23/03/2015	Pareshkumar Jayantilal Parekh Jewellers, Ground Floor Bazar, Street 162, At Post Aatgam, Navsari 396403	Gold and gold alloys, jewellery/artefacts fineness and marking	1417	—	—	1999

1	2	3	4	5	6	7	8	9
18.	720000818	23/03/2015	NIKI Insulation Pvt. Ltd. Plot No. 843, Rakanpur Village Opp Village Lake, TA : Kalol Gandhinagari 382721	Cross linked polyethylene, 7098 insulated pvc sheathed cables		1	—	1988
19.	720000828	23/03/2015	Vijay Industries, B-37, Khodiyar Estate, Opp. Satyam Indl Estate, Naroda-Memco to Bapunagar Road Ahmedabad 382345	Submersible pumpsets,	8034	—	—	2002
20.	720000908	23/03/2015	The Supreme Industries Limited Survey No. 123/1, Paiky 2 & 123/2 Paiky-1, Village: Get Muvala, Panchamahar Halol	Multilayered Cross laminated sheets and tarpaulins/covers-	14611	—	—	1998
21.	720000889	24/03/2015	Brady And Morris Engineering Company Ltd., 505, Gidc Industrial Area, Phase IV, Vatva, Ahmedabad 382445	Hand-operated chain, pulley blocks	3832	—	—	2005
22.	720000899	25/03/2015	Shreeji Pipe Factory At Modasar PO Bodeli Vadodara 391135	Precast concrete pipes, (with and without reinforcement)	458	—	—	2003
23.	720000838	25/03/2015	Shreya Gold, 18D Plot No. 4, Shop No. 4/5, Alish Park, Ramnagar Co op Society AK Road Surat 395006	Gold and gold alloys, jewellery/artefacts fineness and marking	1417	—	—	1999
24.	720000849	25/03/2015	Suvarnshikha Jewellers FF 1 Umiya Complex, Near Pratapgadh Petrol Pump, Gandhi Road, Sabarkantha, Himatnagar	Gold and gold alloys, jewellery/artefacts fineness and marking	1417	—	—	1999
25.	720000918	30/03/2015	Dhruv Gems Pvt. Ltd. Shop No. 319, 26, 27, 28, 29, 30 Turning Point Complex, Near Fire Station, Ghod Dod Road, Surat 395007	Gold and gold alloys, jewellery/artefacts fineness and marking	1417	—	—	1999
26.	720000929	30/03/2015	Vrundavan Ornaments Pvt.Ltd. Main Bazar Tharad Banas Kantha 385565	Gold and gold alloys, jewellery/artefacts fineness and marking	1417	—	—	1999
27.	720000939	30/03/2015	Hardik Jewels, 601, Shiv Darshan Apartments Near Uma Bhavan, Bhatar Road Surat 395007	Gold and gold alloys, jewellery/artefacts fineness and marking	1417	—	—	1999
28.	720000979	30/03/2015	Gajanand Irrigation Industries Plot No. 11, Tribhuban Estate Gidc-Kathwada, Road No. 8 Kathwada, Ahmedabad 382430	Irrigation equipment, strainer-type filters	12785	—	—	1994

1	2	3	4	5	6	7	8	9
29.	720000969	30/03/2015	Gajanand Irrigation Industries Plot No. 11, Tribhuban Estate Gidc-Kathwada, Road No. 8 Kathwada, Ahmedabad 382430	Fertilizer and chemical, injector system	14483	1	—	1997
30.	720000949	31/03/2015	Shri Jagdamba Polymers Ltd. Plot No. 101, 703 to 710, Gidc Estate Tal: Dholka, Ahmedabad 382225	Textiles-high density, polyethylene (hdpe)/ polypropylene (pp) woven sacks for packing 50 kg/25 kg foodgrains	14887	—	—	2014
31.	720001027	31/03/2015	Seema Minerals Block No. 335 Paiki, Opp. 0- Seven Star Club, Village: Shela, Tal: Sanand, Ahmedabad 380058	Packaged drinking water, (other than packaged natural mineral water)	14543	—	—	1999
32.	720001037	31/03/2015	J K Wadhwa And Company Plot No. 2920/A, Phase 1 Gidc Estate, Vapi, Valsad 396195	Sulphuric acid,	266	—	—	1993

[No. CMD/13:11]

Dr. S.L. PALKAR, Scientist 'F' & Head

नई दिल्ली, 6 मई, 2015

का.आ. 1187.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम (5) के उपविनियम (6) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण लाइसेंसों को उनके आगे दर्शायी गई तारीख से रद्द/स्थगित कर दिया गया है:-

अनुसूची

क्रम संख्या	लाइसेंस संख्या सीएम/एल-	लाइसेंसधारी का नाम व पता	लाइसेंस के अंतर्गत वस्तु/प्रक्रम सम्बद्ध भारतीय मानक का शीर्षक	रद्द करने की तिथि
कोई नहीं				

[सं० सी एम डी/13:13]

डॉ. एस. एल. पालकर, वैज्ञानिक 'एफ' एवं प्रमुख

New Delhi, the 6th May, 2015

S.O. 1187.—In pursuance of sub-regulation (6) of the regulation 5 of the Bureau of Indian Standards (Certification) Regulations 1988, of the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled with effect from the date indicated aghainst each:

SCHEDULE

Sl. No.	Licences No. CM/L-	Name & Address of the Licensee	Article/Process with relevant Indian Standards covered by the licence cancelled	Date of Cancellation
Nil				

[No. CMD/13:13]

Dr. S.L. PALKAR, Scientist 'F' & Head

वाणिज्य और उद्योग मंत्रालय
(वाणिज्य विभाग)

नई दिल्ली, 8 जून, 2015

का.आ. 1188.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 12, के उपनियम (2) के साथ पठित निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स इन्स्पेक्टोरेट ग्रीफिथ इंडिया प्राइवेट लिमिटेड, आवास संख्या 341 बी, डाक रेडी, तालुका वैंगरूला, जिला सिंधुदुर्ग, महाराष्ट्र-416517 भारत में स्थित हैं, को इस अधिसूचना, के राजपत्र में प्रकाशन की तारीख से एक वर्ष की अवधि के लिए भारत सरकार के वाणिज्य मंत्रालय, की अधिसूचना सं० का०आ० 3975, तारीख 20 दिसम्बर, 1965 की अधिसूचना में उपाबद्ध अनुसूचियों में विनिर्दिष्ट खनिज और अयस्क (समूह-I), अर्थात्, लौह अयस्क के रूप में क्रमशः को निर्यात से पूर्व निम्नलिखित शर्तों के अधीन रेडी, में उक्त खनिज और अयस्क के निरीक्षण करने के लिए, एक अधिकरण के रूप में मान्यता देती है, अर्थात्:

- (i) मैसर्स इन्स्पेक्टोरेट ग्रीफिथ इंडिया प्राइवेट लिमिटेड, आवास संख्या 341 बी, डाक रेडी, तालुका वैंगरूला, जिला सिंधुदुर्ग, महाराष्ट्र-416517, खनिज और अयस्क समूह-I का निर्यात (निरीक्षण) नियम, 1965 के अधीन उनके द्वारा अपनाई गई निरीक्षण की पद्धति की जांच करने के लिए, इस निमित्त निर्यात निरीक्षण परिषद् द्वारा नामनिर्दिष्ट अधिकारियों को पर्याप्त सुविधाएं देगी;
- (ii) मैसर्स इन्स्पेक्टोरेट ग्रीफिथ इंडिया प्राइवेट लिमिटेड, आवास संख्या 341 बी, डाक रेडी, तालुका वैंगरूला, जिला सिंधुदुर्ग, महाराष्ट्र-416517, इस अधिसूचना के अधीन अपने कृत्यों के पालन में निदेशक (निरीक्षण और क्वालिटी नियंत्रण), निर्यात निरीक्षण परिषद् द्वारा समय-समय पर लिखित में दिए गए ऐसे निर्देशों से आबद्ध होंगे।

[फा० सं० 4/1/2015-निर्यात निरीक्षण]

संतोष कुमार सारंगी, संयुक्त सचिव

MINISTRY OF COMMERCE AND INDUSTRY
(Department of Commerce)

New Delhi, the 8th June, 2015

S.O. 1188.—In exercise of the powers conferred by the sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) read with sub-rule (2) of rule 12 of the Export (Quality Control and Inspection) Rules, 1964, the Central Government hereby recognises M/s Inspectorate Griffith India Pvt. Ltd., House No. 341B, Post Redi, Taluka-Vengrula, District-Sindhudurg, Maharashtra-416517, as an agency for a period of one year from the date of publication of this notification, for the inspection of Minerals and Ores (Group-I) namely, Iron Ore as specified in the Schedule

annexed to the notification of the Government of India in the Ministry of Commerce *vide* S.O. 3975 dated the 20 December 1965, prior to export of said Minerals and Ores at Redi, subject to the following conditions, namely:—

- (i) M/s Inspectorate Griffith India Pvt. Ltd., House No. 341B, Post Redi, Taluka-Vengrula, District-Sindhudurg, Maharashtra-416517, shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in carrying out the inspection under rule 4 of the Export of Minerals and Ores-Group I (Inspection) Rules, 1965;
- (ii) M/s Inspectorate Griffith India Pvt. Ltd., House No. 341B, Post Redi, Taluka-Vengrula, District-Sindhudurg, Maharashtra-416517, in the performance of their function under this notification shall be bound by such directions as the Director (Inspection and Quality Control), Export Inspection Council may give in writing from time to time.

[F. No. 4/1/2015-Export Inspection]

SANTOSH KUMAR SARANGI, Jt. Secy.

विद्युत मंत्रालय

नई दिल्ली, 4 जून, 2015

का.आ. 1189.—केंद्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग), नियम, 1976 के नियम, 10 के उप नियम (4) के अनुसरण में विद्युत मंत्रालय के प्रशासनिक नियंत्रणाधीन पावर ग्रिड कारपोरेशन ऑफ इंडिया लिमिटेड के पूर्वी क्षेत्र पारेषण प्रणाली-II, के अधीन “400/220 केवी दुर्गापुर उपकेंद्र, ग्राम-पारुलिया, डाकघर-धवनी (दुर्गापुर), जिला-वर्दवान, पश्चिम बंगाल-713205”, जिसके 80 प्रतिशत कर्मचारीवृंद ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है।

[सं० 11017/10/2013-हिन्दी]

डॉ० आर० सी० शर्मा, संयुक्त निदेशक (रा०भा०)

MINISTRY OF POWER

New Delhi, the 4th June, 2015

S.O. 1189.—In pursuance of Sub Rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government hereby notify "400/220 Kv Durgapur Sub-station, Vill-Parulia, PO-Dhabani (Durgapur), Dist-Burdwan, West Bengal-713205" under the Eastern Region Transmission System-II, of the Power Grid Corporation of India Ltd. under the administrative control of Ministry of Power, where 80% of the staff have acquired working knowledge of Hindi.

[No. 11017/10/2013-Hindi]

Dr. R.C. SHARMA, Jt. Director (O.L.)

कोयला मंत्रालय

नई दिल्ली, 8 जून, 2015

का.आ. 1190.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उप-धारा (1) के अधीन भारत सरकार में कोयला मंत्रालय के द्वारा जारी की गई अधिसूचना संख्या का०आ० 2122, तारीख 25 सितम्बर, 2013 जो भारत के राजपत्र के भाग II, खंड 3, उप-खंड (ii) तारीख 5 अक्टूबर, 2013 में प्रकाशित की गई थी, उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में जिसका माप 54.907 हेक्टर (लगभग) या 135.68 एकड़ (लगभग) है, कोयले का पूर्वेक्षण करने के अपने आशय की सूचना दी थी;

और केन्द्रीय सरकार का यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट की गई उक्त भूमि के भाग में कोयला अभिप्राप्त है।

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए इससे संलग्न अनुसूची में वर्णित 52.431 हेक्टर (लगभग) या 129.56 एकड़ (लगभग) माप की उक्त भूमि का अर्जन करने के अपने आशय की सूचना देती है;

टिप्पण 1: इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक संख्या एसईसीएल/बीएसपी/जी०एम० (पीएलजी)/भूमि/458, तारीख 9 दिसम्बर, 2014, का निरीक्षण कलक्टर, जिला-अनुपपुर (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस, कोलकाता-700001 के कार्यालय में या साउथ ईस्टर्न कोलफील्ड्स लिमिटेड (राजस्व अनुभाग), सीपत रोड, बिलासपुर-495006 (छत्तीसगढ़) के कार्यालय में किया जा सकता है।

टिप्पण 2: उक्त अधिनियम की धारा 8 के उपबंधों की ओर ध्यान आकृष्ट किया जाता है जिसमें निम्नलिखित उपबंध है।

अर्जन के बाबत आपत्तियां:

“8. (1) कोई व्यक्ति, जो किसी भूमि में, जिसकी बाबत धारा 7 के अधीन अधिसूचना निकाली गई है, हितबद्ध है, अधिसूचना के निकाले जाने से तीस दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा।

स्पष्टीकरण—इस धारा के अन्तर्गत यह आपत्ति नहीं मानी जाएगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन संक्रियाएं करना चाहता है और ऐसी संक्रियाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।

(2) उप-धारा (1) के अधीन प्रत्येक सक्षम अधिकारी को लिखित रूप में की जाएगी और सक्षम अधिकारी, आपत्तिकर्ता को स्वयं सुने जाने, विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात् और ऐसी अतिरिक्त जांच, यदि कोई हो, करने के पश्चात्, जो वह आवश्यक समझता है, वह या तो धारा 7 की उप-धारा (1) के अधीन अधिसूचित भूमि का या ऐसी भूमि में या उस पर के अधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़े या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों पर अपनी सिफारिशों और अपने द्वारा की गई कार्यवाही के अभिलेख सहित विभिन्न रिपोर्ट केन्द्रीय सरकार को उसके विनिश्चय के लिए देगा।

(3) इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भूमि में हितबद्ध समझा जाएगा जो प्रतिकर में हित का दावा करने का हकदार होगा, यदि भूमि या किसी ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते हैं।”

टिप्पण 3: केन्द्रीय सरकार ने कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता-700001 को उक्त अधिनियम के अधीन अधिसूचना संख्या का०आ० 905, तारीख 20 मार्च, 1987 द्वारा सक्षम प्राधिकारी नियुक्त किया है।

अनुसूची

सोमना भूमिगत खान, हसदेव क्षेत्र

जिला-अनुपपुर (मध्य प्रदेश)

(रेखांक संख्यांक एसईसीएल/बीएसपी/जी०एम० (पीएलजी)/भूमि/458, तारीख 9 दिसम्बर, 2014)

भू-सतह अधिकार

क्रम सं०	ग्राम का नाम	पटवारी हल्का संख्या	बंदोबस्त संख्या	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणियां
1.	लोहसरा	43	929	कोतमा	अनुपपुर	14.063	भाग
2.	भगता	43	769	कोतमा	अनुपपुर	38.368	भाग

कुल: 52.431 हेक्टर (लगभग) या 129.56 एकड़ (लगभग)

1. ग्राम लोहसरा (भाग) में अर्जित किए जाने वाले प्लॉट संख्याओं:

155(भाग), 199(भाग), 200(भाग), 202(भाग), 203 से 205, 206(भाग), 207, 208 से 215, 216(भाग), 222(भाग), 227(भाग), 228(भाग), 229, 230(भाग), 231(भाग), 232(भाग), 233(भाग), 234, 235(भाग), 246(भाग), 247(भाग), 248(भाग), 249(भाग), 250, 251(भाग), 252(भाग), 253(भाग)।

2. ग्राम भगता (भाग) में अर्जित किए जाने वाले प्लॉट संख्याओं:

358(भाग), 359(भाग), 361(भाग), 365(भाग), 366(भाग), 370, 371(भाग), 374(भाग), 375 से 379, 380(भाग), 401(भाग), 407(भाग), 408, 409 से 415, 416(भाग), 417(भाग), 422(भाग), 424(भाग), 425 से 429, 430(भाग)।

सीमा वर्णन:

क-ख रेखा ग्राम भगता में बिन्दु “क” से आरंभ होती है और प्लॉट संख्याओं 365, 361, 359, 358 के उत्तरी सीमा से होती हुई ग्राम भगता-लोहसरा के सम्मिलित सीमा में बिन्दु “ख” पर मिलती है।

ख-ग रेखा बिन्दु “ख” से आरंभ होती है और ग्राम लोहसरा के प्लॉट संख्याओं 251, 253, 249, 248, 247, 246, 235, 233, 232, 231, 230, 228, 227, 222, 216, 199, 200, 202, 155 से गुजरती हुई ग्राम भगता-लोहसरा के भागतः सम्मिलित सीमा से होती हुई ग्राम भगता-लोहसरा के सम्मिलित सीमा में बिन्दु “ग” पर मिलती है।

ग-घ रेखा बिन्दु “ग” से आरंभ होती है और ग्राम लोहसरा के प्लॉट संख्यांक 417 के दक्षिणी सीमा के प्लॉट संख्याओं 422, 424, 430 से होकर, 409 के दक्षिणी सीमा, 407, 401, 380 से होती हुई बिन्दु “घ” पर मिलती है।

घ-क रेखा बिन्दु “घ” से आरंभ होती है और ग्राम भगता के प्लॉट संख्याओं 380, 378 के पश्चिमी सीमा के प्लॉट संख्याओं 374, 371 से होकर प्लॉट संख्यांक 370 के पश्चिमी सीमा, प्लॉट संख्याओं 366, 365 से होती हुई आरंभिक बिन्दु “क” पर मिलती है।

[फार्सं 43015/03/2013-पीआरआईडब्ल्यू-I]

जगदीश कुमार, उप सचिव

MINISTRY OF COAL

New Delhi, the 8th June, 2015

S.O. 1190.—Whereas by the notification of the Government of India in the Ministry of Coal, dated the 25th September, 2013 issued under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in the Gazette of India, part II, Section 3, Sub-section (ii), *vide* number S.O. 2122, dated the 5th October, 2013, the Central Government gave notice of its intention to prospect for coal in 54.907 hectares (approximately) or 135.68 acres (approximately)

of the lands in the locality specified in the schedule annexed to that notification;

And whereas the Central Government is satisfied that coal is obtainable in a part of the said lands specified in the Schedule appended to this notification.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire the land measuring 52.431 hectares (approximately) or 129.56 acres (approximately) as surface rights in or over the said land as specified in the Schedule appended hereto;

Note 1: The plan bearing number SECL/BSP/GM(PLG)/LAND/458, dated the 9th December, 2014, of the area covered by this notification may be inspected in the office of the Collector, District Anuppur (Madhya Pradesh) or in the office of the Coal Controller, 1, Council House Street, Kolkata-700001 or in the office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur-495006 (Chhattisgarh).

Note 2: Attention is hereby invited to the provisions of section 8 of the said Act which provides as follows:—

Objection to acquisition.

"8. (1) Any person interested in any land in respect of which a notification under section 7 has been issued, may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or any rights in or over such land.

Explanation.—It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing, and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of section 7 or of rights in or over such land, or make different reports in respect of different parcels of such land or of rights in or over such land, to the Central Government, containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of the Government.

(3) For the purposes of this section, a person shall be deemed to be interested in land who would be entitled to

claim an interest in compensation if the land or any rights in or over such land were acquired under this Act."

Note 3: The Coal Controller, 1 Council House Street, Kolkata, 700001, has been appointed by the Central

Government as the competent authority under section 3 of the said Act, *vide* notification number S.O. 905, dated the 20th March, 1987, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 4th April, 1987.

SCHEDULE

Somna U/G Mine, Hasdeo Area

District Anuppur (Madhya Pradesh)

(Plan bearing number SECL/BSP/GM(PLG)/LAND/458, dated the 9th December, 2014)

Surface Rights:

Sr. No.	Name of Village	Patwari Halka number	Settlement number	Tahsil	District	Area (in hectares)	Remarks
1.	Lohsara	43	929	Kotma	Anuppur	14.063	Part
2.	Bhagta	43	769	Kotma	Anuppur	38.368	Part
Total: 52.431 hectares (approximately) or 129.56 acres (approximately)							

1. Plot numbers to be acquired in village Lohsara (Part):

155(P), 199(P), 200(P), 202(P), 203 to 205, 206(P), 207, 208 to 215, 216(P), 222(P), 227(P), 228(P), 229, 230(P), 231(P), 232(P), 233(P), 234, 235(P), 246(P), 247(P), 248(P), 249(P), 250, 251(P), 252(P), 253(P).

2. Plot numbers to be acquired in village Bhagta (Part):

358(P), 359(P), 361(P), 365(P), 366(P), 370, 371(P), 374(P), 375 to 379, 380(P), 401(P), 407(P), 408, 409 to 415, 416(P), 417(P), 422(P), 424(P), 425 to 429, 430(P).

Boundary description:

A-B Line starts from points 'A' in village Bhagta and passes along northern boundary of plot number 365, 361, 359, 358 and meets at point 'B' on the common boundary of villages Bhagta-Lohsara.

B-C Line starts from point 'B' and passes in village Lohsara through plot numbers 251, 253, 249, 248, 247, 246, 235, 233, 232, 231, 230, 228, 227, 222, 216, 199, 200, 202, 155, along partly common boundary of villages Bhagta-Lohsara and meets at point 'C' on the common boundary of villages Bhagta-Lohsara.

C-D Line starts from point 'C' and passes in village Lohsara along southern boundary of plot number 417, through 422, 424, 430 along southern boundary of plot number 409, through 407, 401, 380 and meets at point 'D'.

D-A Line starts from point 'D' and passes in village Bhagta along western boundary of plot number 380, 378, through 374, 371, along western boundary of plot number 370, through 366, 365 and meets at starting point 'A'.

[F.No. 43015/03/2013-PRIW-I]

JAGDISH KUMAR, Dy. Secy.

युवा कार्यक्रम और खेल मंत्रालय

नई दिल्ली, 10 जून, 2015

का.आ. 1191.—केंद्रीय सरकार एतद्वारा राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग), नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में युवा कार्यक्रम और खेल मंत्रालय के स्वायत्त कार्यालय भारतीय खेल प्राधिकरण क्षेत्रीय केंद्र, हाकी स्टेडियम, सेक्टर-42, चण्डीगढ़, जिसके 80 प्रतिशत से अधिक कर्मचारीवृंद ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[मि० सं० ई-11011/2/2008-हि०]

एस० एल० मीना, उप सचिव

MINISTRY OF YOUTH AFFAIRS AND SPORTS

New Delhi, the 10th June, 2015

S.O. 1191.—In pursuance of Sub Rule (4) of Rule 10 of the Official Languages (use for official purpose of the Union) Rule, 1976, the Central Government hereby notifies Sports Authority of India Regional Centre, Hockey Stadium, Sector-42, Chandigarh an Autonomous office of Ministry of Youth Affairs & Sports, whereof more than 80% staff have acquired working knowledge of Hindi.

[F. No. E-11011/2/2008-H.U.]

S. L. MEENA, Dy. Secy.

नई दिल्ली, 10 जून, 2015

का.आ. 1192.—केंद्रीय सरकार एतद्वारा राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम 10 के उप-नियम(4) के अनुसरण में युवा कार्यक्रम और खेल मंत्रालय के स्वायत्त कार्यालय भारतीय खेल प्राधिकरण उद्धवदास मेहता (भाई जी), केन्द्रीय क्षेत्रीय केंद्र, भोपाल (मध्य प्रदेश) जिसके 80. से अधिक कर्मचारीवृंद ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[फा० सं० ई-11011/2/2008-हि०ए]

एस० एल० मीना, उप सचिव

New Delhi, the 10th June, 2015

S.O. 1192.—In pursuance of sub rule (4) of Rule 10 of Official Language (use for official purpose of the Union) Rule 1976, the Central Government hereby notifies Sports Authority of India Udhavdas mehta (Bhai Ji), Central Regional Centre, Bhopal, an Autonomous office of Ministry of Youth Affairs & Sports, whereof more than 80% staff have acquired working knowledge of Hindi.

[F.No. E-11011/2/2008-H.U.]

S. L. MEENA, Dy. Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 5 जून, 2015

का.आ. 1193.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एफ०सी०आई० के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायलय, भुवनेश्वर के पंचाट (संदर्भ संख्या 19/2014) को प्रकाशित करती है जो केन्द्रीय सरकार को 05/06/2015 को प्राप्त हुआ था।

[सं० एल-22011/3/2014-आईआर(सीएम-II)]

मो० जाहिद शरीफ, अनुभाग अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 5th June, 2015

S.O. 1193.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 19/2014) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure, in the Industrial Dispute between the management of Food

Corporation of India and their workmen, received by the Central Government on 05/06/2015.

[No. L-22011/3/2014-IR(CM-II)]

Md. ZAHID SHARIF, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, BHUBANESWAR

Present:

Shri Pradeep Kumar,
Presiding Officer, C.G.I.T.-cum-Labour Court,
Bhubaneswar

INDUSTRIAL DISPUTE CASE NO. 19/2014
L-22011/3/2014-IR(CM-II), dated 28.02.2014

Date of Passing Award -1st Day of January, 2015

Between:

1. The Area Manager,
Food Corporation of India,
District Officer, Surya Vihar
Link/Road, ... 1st Party-Management
Cuttack-753012
 2. The General Manager,
Food Corporation of India,
Regional Office, Satsang Vihar,
Vani Vihar, Bhubaneswar-751007
- (And)

The Vice-President,
FCI Handling Workers Union,
8651, Araksshna Road,
Paharganj, New Delhi-110055 ...2nd Party Union

Appearances:

1. Shri R.C. Das ... For the 1st Party-
Manager (IR), FCI Management
2. Shri N.K. Nayak,
Manager (IR), FCI
3. Shri Srinibash Sasmal, ... For the 2nd Party-
Organising Secretary Union

AWARD

The Government of India in the Ministry of Labour & Employment has referred the present dispute existing between the employer in relation to the Management of the Food Corporation of India, Odisha and their workmen represented through the FCI (Handling) Workers Union, New Delhi in exercise of the powers conferred under

clause (d) of sub-section (1) and sub-section 2(A) of section 10 of the Industrial Disputes Act *vide* their Letter No. L-22011/3/2014-IR(CM-II) dated 28.02.2014 to this Tribunal for adjudication. The dispute as referred to has been mentioned under the schedule of the order of reference which is quoted below.

"Whether the Claim of Food Corporation of India Handling Workers Union to get overtime wage alongwith extra wages for being booked to workmen of Gang No. 5 of FCI/FSD/Dhenkanal on 8.5.2011 and 14.4.2012 is legal and or justified? If not, to what relief the union is entitled to?"

2. After the receipt of the order of reference, the matter was registered and necessary judicial proceedings were held in the matter. In the mean time, the 1st party management. No. 1 and 2 appears to have resolved the dispute with the 2nd Party union amicably out of the court and filed their settlement in Form-H. Hence, there appears no necessity for further proceedings in the matter and accordingly the award is passed in terms of the settlement.

3. The reference is answered accordingly.

Dictated and corrected by me.

PRADEEP KUMAR, Presiding Officer

नई दिल्ली, 5 जून, 2015

का.आ. 1194.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ईंसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायलय, आसनसोल के पंचाट (संदर्भ संख्या 02/2001) को प्रकाशित करती है जो केन्द्रीय सरकार को 05/06/2015 को प्राप्त हुआ था।

[सं० एल-22012/109/2000-आईआर(सीएम-II)]

मो० जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 5th June, 2015

S.O. 1194.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 02/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the Industrial Dispute between the management of Parbelia Colliery of ECL and their workmen, received by the Central Government on 05/06/2015.

[No. L-22012/109/2000-IR(CM-II)]

Md. ZAHID SHARIF, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT: Sri Pramod Kumar Mishra,
Presiding Officer

REFERENCE No. 02 OF 2001

PARTIES:

The management of Perbelia Colliery of M/s ECL

Vs.

Sri A. Rahim and Sri A. Haque

REPRESENTATIVES:

For the management: Sri P.K. Das, Ld. Adv. ECL

For the union (Workman): None

INDUSTRIAL: COAL STATE : WEST BENGAL

Dated 19.05.2015

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour *vide* its letter No. L-22012/109/2000-IR(CM-II) has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of Parbelia Colliery under ECL in denying the pay protection in respect of Sh. A Rahim and A. Haque at the time of conversion from P.R. to T.R. for Rs. 112.18 and Rs. 126.88 *w.e.f.* November, 1993 is legal and justified? If not, to what relief the workman is entitled?"

Having received the Order No. L-22012/109/2000-IR(CM-II) of the above said reference from the Govt. of India, Ministry of Labour New Delhi for adjudication of the dispute, a reference case No. 02 of 2001 was registered on 12.02.2001/07.11.2001 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

Case called out Sri. P.K. Das, learned advocate of the management is present but none appears on behalf of the workmen/union.

On perusal of case record I find that one of the workmen named Sr. A. Rahim last appeared before the court on 01.06.2010. Thereafter none of the workmen or their representative appeared before the court. Registered notices were issued to the workmen on 12.01.2012 and 10.09.2014. So far 14 dates have been granted to the workmen after 01.06.2010 but to no effect. It seems to me that the workmen are not interested to proceed with the case further. The case is also too old- in the year of 2001. Hence the case is closed and a "No Dispute Award" may be passed accordingly .

ORDER

Let an "Award" be and same is passed as no dispute existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi, for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 5 जून, 2015

का.आ. 1195.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ईंसीएल के प्रबंधन के संबंध में केन्द्रीय सरकार ईंसीएल के प्रबंधन के संबंध में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायलय, आसनसोल के पंचाट (संदर्भ संख्या 100/2000) को प्रकाशित करती है जो केन्द्रीय सरकार को 05/06/2015 को प्राप्त हुआ था।

[सं० एल-22012/154/2000-आईआर(सीएम-II)]

मो० जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 5th June, 2015

S.O. 1195.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 100/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the Industrial Dispute between the management of Bejdih Colliery of ECL and their workmen, received by the Central Government on 05/06/2015.

[No. L-22012/154/2000-IR(CM-II)]

Md. ZAHID SHARIF, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT, ASANSOL

PRESENT: Sri Pramod Kumar Mishra,
Presiding Officer

REFERENCE No. 100 OF 2000

PARTIES:

The management of Bejdih Colliery of M/s ECL

Vs.

Sri Moti Routh

REPRESENTATIVES:

For the management : Sri P.K. Goswami, Ld. Adv. ECL

For the union : Sri. R.K. Tripathi Chief Org.
(Workman) Secy. (KMC)

INDUSTRY: COAL

STATE : WEST BENGAL

Dated 20.05.2015

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour *vide* its letter No. L-22012/154/2000-IR(CM-II) dated 14/21.11.2000 has been pleased to refer the following dispute for adjudication by the Tribunal.

SCHEDULE

"Whether the action of the management of Bejdhi Colliery under ECL by not accepting age of Sri Moti Routh, Ex-Driller as 57 and half years as on 08.04.1997 under the midpoint formula of the existing policy of the ECL is legal and justified? If not, to what relief the workman is entitled?"

Having received the Order No. L-22012/154/2000-IR(CM-II) dated 14/21.11.2000 of the above said reference from the Govt. of India, Ministry of Labour New Delhi for adjudication of the dispute, a reference case No. 100 of 2000 was registered on 26.12.2000 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witness in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

Case called out both parties; management as well as union/workman are absent.

On perusal of case record I find that the union is not taking any step since long. The case was fixed for filing documents by the workman on 18.04.2013. Since then 12 dates have been granted Mr. P.K. Tripathi, Chief Organizing Secretary of the union (Koyla Mazdoor Congress) appeared on 17.07.2013 and signed on order sheet after seeing the order but to no effect.

This is a case of correction of age and the workman has already been retired from service.

Since the workman has already been retired from service and not taking any interest even after service of notice, the case is closed and accordingly a "No Dispute Award" may be passed.

ORDER

Let an "Award" be and same is passed as no dispute existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi, for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 5 जून, 2015

का.आ. 1196.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बीबीएमबी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं० 1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 21/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05/06/2015 को प्राप्त हुआ था।

[सं० एल-23012/3/2011-आईआर(सीएम-II)]

मो० जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 5th June, 2015

S.O. 1196.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 21/2011) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1 Chandigarh as shown in the Annexure in the Industrial Dispute between the management of Bhakra Beas Management Board, and their workmen, received by the Central Government on 05/06/2015.

[No. L-23012/3/2011-IR(CM-II)]

Md. ZAHID SHARIF, Section Officer

ANNEXURE

**BEFORE SHRI SURENDRA PRAKASH SINGH,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. ID 21 of 2011

Reference No. 23012/3/2011-IR(CM-II)
dated 02.12.2011

The Presiding Struggle Committee of Daily Wages Employees, BBMB, Talwara Township, 1141-42/T/1, Sector-1, Talwara Township, Punjab-144216

...Workman

Versus

1. The Chairman, Bhakra Beas Management Board, Madhya Marg, Sector-19, Chandigarh

...Respondent

APPEARANCE :

For the workman: None.

For the management : Ms. Dimple alongwith
Sh. Mandeep Singh, XEN,

AWARD

Passed on 19.05.2015

Government of India Ministry of Labour *vide* notification L.23012/3/2011-IR(CM-II) dated 02.12.2011 has referred the following dispute to this Tribunal for adjudication:

"Whether the action of the Management of Chairman, Bhakra Beas Management Board, Madhya Marg, Sector-19, Chandigarh in adopting different policies for providing work to daily rated workers at Nangal and Talwara Township is just, valid and legal? To what relief the concerned workmen are entitled to?"

2. For the last several dates none is appearing for the workmen/Union. The case was earlier fixed for evidence of the workmen/union. Neither any evidence was filed on behalf of the union nor any one appeared for the last several dates for the union. The case was received in Tribunal on 02.01.2012 and pending for the last more than three years. As none is appearing for the workmen/union, no purpose would be served in keeping the case pending before this Tribunal. In view of the above, the present reference is returned to the Central Govt. for want of prosecution. Central Govt. be informed. Soft as well hard copy be sent to the Central Govt. for publication.

Chandigarh
19-5-2015

S.P. SINGH, Presiding Officer

नई दिल्ली, 5 जून, 2015

का.आ. 1197.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 20/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05/06/2015 को प्राप्त हुआ था।

[सं० एल-22012/372/1999-आईआर(सीएम-II)]

मो० जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 5th June, 2015

S.O. 1197.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 20/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the Industrial Dispute between the management of Narsamunda Colliery of M/s. Eastern Coalfields Ltd., and their workmen, received by the Central Government on 05/06/2015.

[No. L-22012/372/1999-IR(CM-II)]

Md. ZAHID SHARIF, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM-LABOUR COURT, ASANSOL

PRESENT: Sri Pramod Kumar Mishra,
Presiding Officer

REFERENCE NO. 20 OF 2000

PARTIES:

The management of Narsarmunda Colliery of M/s ECL

Vs.

Sri Baidyanath Das

REPRESENTATIVES:

For the management: Sri P.K. Das, Ld. Adv. ECL

For the union (Workman): None

INDUSTRY : COAL STATE : WEST BENGAL

Dated 18.05.2015

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour *vide* its letter No. L-22012/372/99-IR(CM-II) dated 29.02.2000 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the management of Narsamunda Colliery under ECL in dismissing as denying reinstatement the services of Sh. Baidyanath Das is justified? If not, to what relief the workman is entitled?"

Having received the Order No. L-22012/372/99-IR(CM-II) dated 29.02.2000 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 20 of

2000 was registered on 13.03.2000 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

Case called out both parties; management as well as union/workman are absent.

On perusal of case record I find that this is the reference of year 2000. Union's representative, Sri S.K. Pandey on behalf of the workman appeared on 12.11.2001. Since then 21 dates have been fixed. On 23.04.2009 again notices were issued to the parties due to their disappearance. Since 15.07.2009 the reference was fixed for evidence of the workman. After 15.07.2009, 26 dates, have been fixed but evidence was not tendered by the workman. On 11.09.2014 against order for notice was passed and accordingly notice was issued on 19.09.2014 fixing the date on 27.11.2014 for evidence but the workman did not appear. Even today the workman is absent. It seems that the workman is not at all interested to proceed with the case further. Under the circumstances explained above I think it just and proper to close this old case. As such the case is closed and accordingly a "No Dispute Award" may be passed.

ORDER

Let an "Award" be and same is passed as no dispute existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi, for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 5 जून, 2015

का.आ. 1198.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट (संदर्भ संख्या 68/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05/06/2015 को प्राप्त हुआ था।

[सं. एल-22012/253/2001-आईआर (सीएम-II)]

मो० जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 5th June, 2015

S.O. 1198.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 68/2002) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the industrial dispute

between the management of Ballarpur Sub Area of Western Coalfields Ltd. and their workmen, received by the Central Government on 05/06/2015.

[No. L-22012/253/2001-IR(CM-II)]

Md. ZAHID SHARIF, Section Officer

ANNEXURE

**BEFORE SHRI J.P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/68/2002

Date: 19.01.2015

Party No.1 :

The Sub Area Manager,
Ballarpur Sub Are of
Western Coalfields Limited,
Post & Teh.-Ballarpur,
Distt. Chandrapur (M.S.)

Versus

Party No. 2 :

Shri Lomesh Khartad,
National Colliery Workers Congress,
Dr. Ambedkar Nagar, Ballarpur,
Post-Ballarpur,
Distt.-Chandrapur (M.S.)

AWARD

(Dated: 19th January, 2015)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Ballarpur Sub Area of Western Coalfields Limited and their workmen, Shri Anand Madanaya and 14 others, for adjudication, as per letter No. L-22012/253/2001-IR (CM-II) dated 22.07.2002, with the following schedule:

"Whether the action of the management of Ballarpur colliery 3 & 4 pits of Western Coalfields Limited in not granting protection of basic pay upon conversion of Shri Anand Madanaya and 14 others as per list to time rate is legal and justified? If not, to what relief the workmen are entitled?"

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the Union, "National Colliery Workers Congress, ("the union" in short) filed the statement of claim on behalf of Shri Anand Madanaya and 14 other workmen ("the workmen" in short) and the management of Ballarpur Sub Area of Western Coalfields Ltd., ("Party No. 1" in short) filed their written statement.

The case of the workmen as presented by the union in the statement of claim is that it is a registered trade union under the Trade unions Act, 1926 and party No. 1 is a Government company controlled by the Central Government and is a "State" under Article 12 of the Constitution of India and the workmen are in the employment of the party No. 1 and they are permanent employees and they were initially appointed as piece rated loader in group V-A of National Coal Wage Agreement ("the NCWA" in short) and a memorandum of settlement dated 02.11.1992 was arrived at under section 12(1) of the Act, between the management of Party No. 1 and RKKMS union before the Regional Labour Commissioner (Central), Nagpur and under the said settlement, the party No. 1 agreed to fully protect the group wages including the SPRA where ever applicable, on conversion from piece rate to time rate/monthly rate and the terms of the said settlement have become the terms and conditions of service of the workmen.

It is further pleaded by the union that the joint bipartite Committee for the coal industry ("the JBCCI" in short) consisting of all the employers and the five Central Trade Unions jointly deliberate over the wage structure and other conditions of service including fringe benefits of the employees of the coal industry and the JBCCI has several committees and sub committees for proper implementation, monitoring, clarification etc. of the agreements and the management of Coal Companies are not competent to resort to change the service conditions and wage structures etc. as laid down in the NCWAs unilaterally and so far six NCWAs have been signed by the parties and the same are known as NCWA-I to VI and in terms of NCWA V, all the workmen were given minimum benefit of Rs. 235/- per month inclusive of interim relief over and above the wages prescribed under NCWA-IV and the Loaders were placed in Group VA and revised basic pay and work load were fixed per day from 01.07.1991 as per chapter III of NCWA V and the wage for the work load of 100cft. And 118cft was fixed at Rs. 88.93/- and Rs. 114.93 respectively and the basic group VA wages was also fixed as Rs. 104.93/- per day and beside such wages, the loaders were also entitled to special piece rate allowance ("SPRA" in short) @ Rs. 2.12 per day and the loaders who had completed 10 years of service or more in the same group were provided with additional SPRA w.e.f. 01.07.1994 and thereafter w.e.f. 01.07.1995.

The further case of the workmen a projected by the union is that the workmen were transferred to other time rated works on the exigencies of work and though they were paid the basic wages, the SPRA was not paid to them w.e.f. November, 1995 and with effect from 01.07.1999, their basic wages were also not protected and their wages were reduced and were fixed at midpoint of their respective categories, in which they were working and the wages of the workmen, Shri Anand Madanaya, Shri Shriniwas Sakal

Eram, Shri Sanjay M. Boinowar, Shri Balkishan Atmaram and Shri Banshilal Lalli, who were working as Trammer category III were fixed at Rs. 80.94/-, basic wages of workmen, Shri Dharam Sailani, Shri Gurjalal Lingya, Shri Bhanuda Daria Ashallu, Shri Aegeswar Saukhau and Shri Prasna Kumar Narayan, who were working as H. Trammer category v were fixed at Rs. 85.14/-, basic wages of workmen, Shri Sunil Laxman, Shri Bhauji S. Caple and Shri Kirti Kumar Muralidhar, who were working as Electrical helper category II, Carpenter helper category II and Explosive helper category II respectively were fixed at Rs. 76.17/- and basic wages of the workmen, Shri Jugesh Kumar Swamidin and Shri Ramesh Ramila Yankti, who were working as general mazdoors were fixed at Rs. 72.96/- and though the workmen made several individual and so also joint representations, party No. 1 did not take any action and the union also took up the case of the workmen with the management, by submitting letters dated 27.06.1998, 05.07.1999, 14.09.1999, 04.10.1999 and 21.01.2002, but as there was no response from the management, the union took up the matter with the ALC(central), Chandrapur and the conciliation filed, the reference has been made by the Central Government to this Tribunal for adjudication.

The union has further pleaded that in the meeting held between the RKKMS union, Nandgaon Incline branch and the Sub Area Manager on 07.09.1998, it was decided that the basic and SPRA of loaders whether option given or not would be protected and the minutes of the meeting was circulated vide order No. 517 dated 10.09.1998 of the Personnel Manager, Hindustan Lalpeth underground Sub Area and vide office order 2676 dated 10.02.2000, the Deputy Chief Personnel Manager, WCL of Chandrapur Area instructed all the Sub Area that basic wages should be protected of all the employees of Chandrapur Area irrespective of degradation/reduction in post and category and the management of WCL, Chandrapur Area has been protecting group wages and SPRA in case of loaders similarly situated like the workmen including Shri Ramesh Yadav and Mr. Riyaz and Tub Munshi, Sheikh Nabi Sheikh Chand and there cannot be two type of system in the same company and the workmen have been discriminated and change of the service conditions cannot be done arbitrarily and contrary to the settlement dated 02.11.1992, Standing Order and provisions of JBCCI/NCWA and section 9 of the Act and the workmen are entitled for protection of wages with SPRA.

3. The party No. 1 in the written statement, after denying all the adverse allegations made in the statement of claim, has pleaded inter-alia that the dispute has been raised Shri Lomesh Khartad, General Secretary of the union and to its best of knowledge, the said union does not exist at Ballarpur and it is learnt that the union is registered at Dhanbad in the State of Jharkhand and is operating mainly in the state and the union is not the union of the workman of Ballarpur colliery and therefore

is not competent to raise the dispute on behalf of the workmen and the union does not have 25% of the workers as its members and the union has very little or no following at all and therefore, does not acquire a representative character and the spousal of the cause of the workman by the union is not valid and no industrial dispute exists.

It is further pleaded by party no. 1 that to its best knowledge, the workmen were/are not the members of the union and on this ground also, the union is not competent to raise the dispute on their behalf.

The further case of the party no. 1 is that it had made specific offer laying down the terms and conditions through a departmental notice dated 11.09.1995, inviting applications from the loaders of Ballarpur colliery for opting time rated jobs and it was specifically mentioned in the said notice that those who would opted for the time rated post would be given the initial basic of the time rated posts and in terms of the said notice, the workmen submitted written options for time rated posts, accepting the minimum basic pay of the time rated posts and their options were unconditional and when the notice was issued to the workers, no union protested against the notice or challenged its validity or legality and it was purely discretionary and optional on the part of the workmen to accept the offer or not and the workmen, while applying for the time rated job were fully aware of the terms and conditions and the wages they were to get and they also gave the options voluntarily and categorically state that they would not raise any grievance/industrial dispute with regard to their pay protection and therefore, it acting in good faith and on the specific assurances that they would not claim wage protections, put them on time rate and subsequently, in compliance of office order of the personnel Manager of Ballarpur Area, the wages of the workmen were fixed at the midpoint of time rate and when there was specific offer of terms and conditions and specific acceptance thereof by the workmen, the same became a contract between the management and the workmen and ever since their deployment in the time rated categories, they have been drawing wages in respective time rated without any protest and therefore, the principles of estoppels operates and the workmen are estopped from raising the instant dispute even through the union.

It is further pleaded by party no. 1 that from the respective dated that the deployment of the workmen in time rated jobs, they were placed at the starting basic of time rated jobs and the arrangement continued till July, 1999 and on receipt of the sanction and approval of the Headquarters, the workmen were placed at the mid-point of the time rated posts in which they had been working and even at this stage, the workmen did not represent to the management about their placement and the union, which had very little following at Ballarpur raised an industrial dispute concerning the workmen and on failure

of the conciliation, the reference has been made and there was an agreement between the RKKMS union and the management at company level modifying the settlement dated 02.11.1992, where by such piece rated employees who came to the time rates after exercising options were to be placed at the mid-point of the time rate and the agreement has been implemented throughout the company and the agreement dated 01.11.1995 was never challenged by any union/workmen and the workmen are not entitled to any relief.

4. In the rejoinder, the union has pleaded that the party no. 1 has raised frivolous preliminary objections only to delay the disposal of the reference and to defeat the outcome of the dispute by exhausting the workmen and there is no recognized union in WCL and as such, every union enjoys the same status of raising an industrial dispute and the doubt raised by party no.1 regarding its existence at Ballarpur is based on surmises and assumptions and the terms and conditions of the services of the employees of WCL are governed by the provisions of Standing Orders, NCWA and Settlement dated 02.11.1992 and party no. 1 arbitrarily and illegally violated the same and there was exigencies of job of the management and party no. 1 was in requirement of persons on transfer to other post and as such, the workmen are entitled for protection of group wages of loader and SPRA as per S.O. 21 of the Standing Order and there was no agreement between the RKKMS union and the management on 01.11.1995 and there was only record note of discussion between the said parties and subsequently by letter dated 04.10.2001, the union had asked to cancel the said record note of discussion and to give protection of wages on the basis of the settlement dated 02.11.1992 and the workmen are entitled for the reliefs as claimed in the statement of claim.

5. In support of its case, the union has examined three of the workmen, namely, Shri Dharampal Sailani, Shri Balkrishna Atmaram and Gurjala Lingaya and Shri Lomesh Maroti Khartad, alleged to be the General Secretary of the union, One, Shri Sambunath Sharma, the Manager Personnel in Ballarpur colliery, 3 & 4 Pit has been examined as the only witness by party no. 1.

Both the parties have relied on documentary evidence besides the oral evidence adduced by them. The respective examination-in-chief of the witnesses examined by the parties is on affidavits.

6. The evidence of the four witnesses examined on behalf of the union is more or less in the same line of the stands taken in the statement of claim. In their cross-examination, they have denied the suggestions that the workmen not members of the union.

Workman Shri Balkrishnan Atmaram in his cross-examination has admitted that the union Koyla Shramik

Sabha has raised the dispute on their behalf and award had been passed regarding the dispute raised by them in case no. CGIT/NGP/26/2003 and the same dispute have been referred by the Government in this reference.

The other three witnesses examined by the union have denied the suggestions that the dispute raised by the union had been raised by the union, "Koyla Shramik Sabha" and the same was adjudicated in case no. CGIT/NFP/68/2003 and award was passed against the workmen.

7. The only witness examined by the party no. 1 in has examination-in-chief has reiterated the facts mentioned in the written statement.

In his cross-examination, this witness has admitted that as management was in need of time rated category workers, notice dated 11.09.1995 was given by the management and there was a settlement on 02.11.1992 between RKKMS union and the management and in the said settlement management had agreed to fill up 50% vacancies arising out of natural wastage in time/monthly rated category from amongst the piece rated workers, who have completed at least 15 years of service and in paragraph 1 of Ext. M-XXI, it has been mentioned that as per the settlement dated 02.11.1992, it was decided that management shall on conversion from PR to TR/MR will fully protect the group wages including SPRA wherever applicable and the application forms, Exts. M-III to M-XVII were supplied to the workmen by the management and the workmen have only signed the same and Ext. M-XIX shows that till 01.07.1999, the designation of the workmen was "Loader".

8. At the time of argument, it was submitted by the learned advocate for the workmen that the conditions of the workmen are governed by Certified Standing Orders of party No. 1 and provisions of NCWA and the workmen were working as loaders and as the party no. 1 was in need of time/monthly rate workers and due to exigencies of job, the workmen were transferred from piece rate to time rate and as per clause S.O. 21 of the Certified Standing Orders and the settlement dated 02.11.1992 and the provisions of NCWA, they are entitled for protection of their wages including SPRA.

In support of the contentions, the learned advocate for the workmen place reliance on the decisions reported in AIR 1973 SC-2650 (Western India Match Co. Ltd. Vs. Workmen), 2007 (115) FLR-427 (Mohan Mahato Vs. M/s. Central Coal Fields Ltd.), 2008 II CLR-147 (UP State Electricity Board Vs. Pooran Chandra Pandey), 1994 I CLR-627 (Narendra Kumar Vs. State of Haryana) and 2000 (I) LLN-216 (Capt. Subir Bhattacharya Vs. State of West Bengal).

9. Per contra, it was submitted by the learned advocate for the party no. 1 that the dispute in regard to the

workmen involved in this reference had been raised in case no. CGIT/NGP/26/2003 by the Koyla Shramit Sabha and in the said reference award had been passed against the workmen and as such, the present reference is not maintainable by the principles of res-judicata.

It was further submitted by the learned advocate for the party no. 1 that otherwise also, the workmen are not entitled to any relief as the workmen submitted their option for their conversion from piece rated to time rated and they also gave the undertaking to work in time rated with the minimum basic pay of the time rated posts and there was specific offer of the terms and conditions by the party no. 1 and there was also specific acceptance thereof by the workmen and the same became a contract between the party no. 1 and the workmen and the workmen are estopped from raising the dispute, in view of the principles of estoppels, waivers and acquiescence and the workmen are not entitled to any relief.

10. First of all, I will take up the submission made by the learned advocate for the party no.1 that this reference is not maintainable, the same being principles of res-judicata; as the dispute raised on behalf of the workmen in this reference had already been adjudicated and decided in CGIT/NGP/26/2003 and the award was against the workmen.

In reply, it was submitted by the learned advocate for the workmen that case no. CGIT/NGP/26/2003 was adjudicated on merit and as such, this reference is maintainable and the same is to be adjudicated and decided.

From the materials on record, it is found that in case no. CGIT/NGP/26/2003 the dispute of the workmen involved in this reference and some other employees of WCL was raised by the union, Koyla Shramik Sabha and by award dated 21.06.2012, the same was answered in the negative and against the workmen. In case No. CGIT/NGP/26/2003, after filling of the statement of claim by the union and written statement by the management, the union was directed to adduce evidence in support of the claim, but no evidence was adduced by the union, the reference was answered against the workman. In view of the adjudication of the same dispute of the workmen in CGIT/NGP/26/2003, the present reference is hit by the principles of res-judicata and is not maintainable.

11. Moreover, for the sake of argument, if it is held that this reference is maintainable, then it is to be considered as to whether the workmen are entitled for the protection of their wages of piece rate loader. Perused the materials on record including the evidence adduced by the parties and considered the submissions made by the learned advocate for the parties and found that it is not the case of the workmen that their conversion to time rate jobs from

piece rate loader was due to their physical weakness or to fill up 50% vacancies arising out of natural wastage after completion of 15 years of service as mentioned in clauses 1.1 and 1.2 of the settlement dated 02.11.1992. So, the terms of the settlement dated 02.11.1992 have no application to the case of the workmen.

It is found from the documents on record that by notice dated 11.09.1995, Ext. M-II, the party no. 1 called for options from the loaders for their engagement in time rate jobs, with the conditions that the loaders who would be engaged in time rate would be paid minimum of the basic pay of the time rate jobs and the workmen accepting the conditions gave their options in writing, Exts. M-III to M-XVII, with the undertaking to accept the minimum basic pay of the time rate job given to them and that they would not claim any wage protection. The case of the workmen is not a case of transfer from piece rate loader to time rate due to exigencies of work. This is also not the case that the workmen were reduced in rank or category. It is found from the record that specific offers were given by the party no. 1 and the same were accepted by the workmen and such acceptance can be held to be an agreement, as per the provisions of section 18 of the Act and the same is binding on both the parties. In view of the acceptance of the conditions imposed by the party no. 1 by the workmen and giving their consent for their engagement in time rate jobs, they are precluded to raise the dispute, in view of the provisions of estoppels, waiver and acquiescence, which are applicable to industrial adjudication also. It is not a pre-agreement of service inconsistent with the provisions of Standing Order. The case of the workmen is also not a case of their conversion from piece rated loaders to time rate workers, due to any illness or injuries received by them during the course of their employment. So, the provisions of the Standing Order, NCWA and other provisions cited by learned advocate for the workmen are not applicable to their cases.

As the facts and circumstances of the case in hand are quite different from the facts and circumstances of the cases referred in the decisions cited by the learned advocates for the workmen, with respect, I am of the view that the said decisions have no clear application to this case.

From the facts and circumstances of the case mentioned above, it is found that the workmen are not entitled for protection of their wages. Hence, it is ordered:—

ORDER

The action of the management of Ballarpur colliery 3 & 4 pits of Western Coalfields Limited in not granting protection of basic pay upon conversion of Shri Anand

Madanaya and 14 others as per list to time rate is legal and justified. The workmen are not entitled to any relief.

J.P. CHAND, Presiding Officer

L-22012/253/2001-IR(C-II)

S. No.	NAME	PREVIOUS DESIGNATION
1.	Sh. Anand Madanaya	Loader
2.	Sh. Sunil Laxman Induri	Loader
3.	Sh. Bhauji S. Chaple	Loader
4.	Sh. Dharampal Sailani	Loader
5.	Sh. Srinivas Sakal Iram	Loader
6.	Sh. Sanjay M. Boiniwar	Loader
7.	Sh. Gurjala Lingaya	Loader
8.	Sh. Bhanudas Darala Ashalu	Loader
9.	Sh. Balkisan Atmaram	Loader
10.	Sh. Kirtikumar Murlidhar	Loader
11.	Sh. Aageshwar Sukhao	Loader
12.	Sh. Bansilal Lalli	Loader
13.	Sh. Prasanna Kumar Narayan	Loader
14.	Sh. Jugeshkumar Swamidin	Loader
15.	Sh. Ramesh Ramilla Yenkat	Loader

नई दिल्ली, 5 जून, 2015

का.आ. 1199.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एफ्सीआई के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायलय, लखनऊ के पंचाट (संदर्भ संख्या 168/2002) को प्रकाशित करती है जो केन्द्रीय सरकार को 05/06/2015 को प्राप्त हुआ था।

[सं. एल-22012/272/2001-आईआर(सीएम-II)]

मो० जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 5th June, 2015

S.O. 1199.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 168/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the management of FCI and their workman, received by the Central Government on 05/06/2015.

[No. L-22012/272/2001-IR(CM-II)]

Md. ZAHID SHARIF, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT: Rakesh Kumar, Presiding Officer

I.D. No. 168/2002

Ref. No. L-22012/272/2001-IR(CM-II)

Dated 28.11.2002

BETWEEN

The State Secretary
Bhartiya Khadya Nigam Karmchari Sangh
TC/3B, Vibhuti Khand,
Gomti Nagar, Lucknow (U.P.)

AND

1. The Zonal Manager
Food Corporation of India
Ansal Bhawan, K.G. Marg
New Delhi-110001
2. The Sr. Regional Manager
Food Corporation of India
TC/3V, Vibhuti Khand,
Gomti Nagar, Lucknow (U.P.)

AWARD

1. By order No. L-22012/272/2001-IR(CM-II) dated 28.11.2002 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between the State Secretary, Bhartiya Khadya Nigam Karmchari Sangh, Lucknow (Espousing cause of Sri Vishesh Chand) and the Zonal Manager, Food Corporation of India, New Delhi and the Sr. Regional Manager, Food Corporation of India, Lucknow for adjudication.

2. The reference under adjudication is:

"Whether the action of the management of Food Corporation of India in imposing penalty upon Sri Vishesh Chand *vide* order dated 30.09.1997 and rejecting appeal *vide* order dated 15/19.12.2000 and not granting selection grade from 1996 were legal and Justified? If not, to what relief the workman is entitled to?"

3. As per the claim statement filed before this Tribunal the workman Sri Vishesh Chand completed 12 years of service in 1996 as AG-II (D), but the management illegally did not provide selection grade to him, while the selection grade was granted to other junior workmen, although there is rule in FCI to grant selection grade after completion of

12 years of service in the same grade. It has been pleaded that there was no reason for not granting selection grade to the workman. The workman through union has requested for direction to the Food Corporation of India to grant selection grade in the scale of AG-II (D) from 1996 to the workman.

4. The management has filed written statement wherein it has been asserted that the selection grade scheme in respect of category of 3 & 4 employee was started *vide* circular dated 30.12.1992 but effective from 1.12.1987 as per the conditions prescribed in circular no. 22/1992. The relevant provision of the said circular has been produced in the written statement. It has also been pleaded by the opposite party that the instructions in connection with reservation of SC & ST etc. issued by the Govt. of India from time to time have to be followed by the appointing authority while making selection in the grade. Provision for vigilance procedure has also been mentioned therein. The opposite party has stated that as per the charge sheet dated 16.09.1996 issued to Mr. Vishesh Chand, penalty was subsequently imposed for reversion from AG-II(D)/PP to AG-III(D)/PP for a period of 5 years *vide* the order dated 30.09.1997 against appeal was preferred which was also rejected by the Zonal Manager; It reads as under:

"Accordingly the selection grade case of Sri Vishesh Chand AG-II(D)/PPDOB 15.7.48 ZS No. 3148 UP Region DOJ 31.12.84 as AG-II(D)PP was considered *w.e.f.* 01.12.1997 in the ZPC meeting held on 09.10/6-2000 as per instructions stated above and on the basis of availability of vacancies and declared UNFIT due to reservation from AG-II(D) to AG-III(D) due to vigilance/undergoing penalty."

5. The opposite party has emphasized that as per the instructions and relevant provisions the selection grade case of the workman was not required to be considered *w.e.f.* 01.12.1996 but to be considered *w.e.f.* 11.02.1997, for which action has already been taken.

6. Rejoinder A1-12 was filed on behalf of the workman wherein the facts mentioned in written statement were said to be false and baseless and contentions of the claim statement were reiterated.

7. Circular dated 30.12.1992 was filed by the opposite party *vide* application dated 17.03.2004. Amendment application A1-21 was moved by the applicant. Objection D-20 was filed by the opposite party. During the pendency of the case before this Tribunal the workman expired on 15.03.2006 his wife Smt. Madhu Saxena moved an amendment application to this effect. List C-33 dated 02.01.2007 alongwith documents mentioned therein was filed by the workman, containing therein the enquiry report and representation of the workman, and the penalty imposed etc.

8. Arguments of Learned AR of the opposite party have been heard at length. None appeared for the workman although notice through Registered post was issued and sufficient opportunity was also provided thereafter. Record has been perused thoroughly.

9. The learned AR for the workman has relied upon the following rulings;

1. (2010) 1 SCC (L&S), 129, Union of India vs. Gyan Chandra Chattar.
2. (2009) 1 SCC (L&S), 398 Roop Singh Negi vs. PNB.
3. 1998 SCC (L&S), 1783 PNB vs. Kunj Behari Misra.
4. 1986 SCC (L&S), 383 Ram Chandra vs. Union of India.
5. 1985 SCC (L&S), 672 Tulsi Ram Patil case.
6. FLR 1995 (70), 858 UPSRTC vs. Sarfaraz Hussain Hon'ble Allahabad High Court.
7. AIR, 1972, SC, M/s Bareilly Electricity Supply Co. Ltd. vs. The Workmen, page 330.

The learned authorized representative for opposite party emphasizes that above rulings to not apply in the present case.

10. Despite the fact that sufficient opportunity was provided by the court to the workman to adduce evidence in support of the claim statement, it was all in-vain. The workman did not adduce any oral evidence before the court, although written argument has been filed on behalf of the workman before my learned predecessor. Further several dates were given, but none turned up before the court on behalf of the workman.

11. Regarding imputation of alleged mis-conduct of the workman the enquiry officer has conducted comprehensive enquiry, after giving sufficient opportunity to the workman. The representation of workman was also disposed off by the competent authority. FCI (Staff) Regulations were followed by the management while conducting disciplinary proceeding against the workman. The matter of selection grade and its admissibility in the case of the workman was duly considered with reasoned findings, by the FCI.

12. After having gone through the entire record available before the court, and giving due consideration to the arguments advanced before me, it is inferred that the management was fully justified in not granting selection grade to workman Sri Vishesh Chand *w.e.f.* 1996. The workman concerned is not entitled to any other relief.

13. Award accordingly.

Lucknow

28.05.2015

RAKESH KUMAR, Presiding Officer

नई दिल्ली, 5 जून, 2015

का.आ. 1200.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एम०सी०एल० के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 38/2011) को प्रकाशित करती है जो केन्द्रीय सरकार को 05/06/2015 को प्राप्त हुआ था।

[सं० एल-22012/111/2011-आईआर(सीएम-II)]

मो० जाहिद शरीफ, अनुभाग अधिकारी

New Delhi, the 5th June, 2015

S.O. 1200.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 38/2011) of the Central. Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the management of Bharatpur Area of MCL and their workmen, received by the Central Government on 05/06/2015.

[No. L-22012/111/2011-IR(CM-II)]

Md. ZAHID SHARIF, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, BHUBANESWAR

PRESENT:

SHRI PRADEEP KUMAR, Presiding Officer,
C.G.I.T.-cum-Labour Court, Bhubaneswar

Industrial Dispute Case No. 38/2011

L-22012/111/2011-IR(CM-II), dated 02.08.2011

Date of Passing Award-11th Day of December, 2014

BETWEEN:

1. The Chief General Manager,
Bharatpur Area of MCL
At-Mahendrapur, Bharatpur Colliery,
Angul, Odisha
...1st Party-Management

2. The Chief General Manager,
Hingula Area of MCL,
At-Mahendrapur, Bharatpur Colliery,
Angul, Odisha

(And)

The General Secretary,
Talcher Coal Mines Employees Union,
At-Qr, No. IB-103, PO-South Balanda,
Angul, Odisha
...2nd Party-Union

APPEARANCES :

1. None ... For the 1st Party-Managements
2. None ... For the 2nd Party-Union

AWARD

The Government of India in the Ministry of Labour & Employment has referred the present dispute existing between the employers in relation to the Management of Bharatpur Colliery of MCL and Hingula Area of MCL, Odisha, and their workmen represented through the General Secretary, Talcher Coal Mines Employees Union, Angul, Odisha in exercise of the powers conferred under clause (d) of sub-section (1) and sub-section 2(A) of section 10 of the Industrial Disputes Act *vide* their Letter No. L-22012/111/2011-IR(CM-II), dated 02.08.2011 to this Tribunal for adjudication. The dispute as referred to has been mentioned under the scheduled of the letter of reference which is quoted below.

"Whether the action of the management of Chief General Managers of both Bharatpur area and Hingula area of MCL in not sorting out the Anomaly arising out of fixation of basic pay on promotion in Clerk Grade-III Cadre to Clerk Grade-I and Sr. Clerk and existing as on date amongst the 1st set of workers Shri Dukhabandhu Biswal & 7 others, 2nd set of workers Shri Naresh Chandra Sahoo & 8 others and 3rd set of workers Shri Md. Sahoo & 4 others is appropriate and justified? To what relief the concerned workmen are entitled to?"

2. The 2nd party union (herein after referred to as "the 2nd party") has filed his Statement of Claim detailing therewith the anomaly arisen in the fixation of pay of the three sets of a total number of 22 (Twenty Two) workmen on their promotions to higher posts. The setwise list of workers is mentioned below.

1st set

1. Shri Dukhabandhu Biswal, Sr. Clerk, Bharatpur Colliery.
2. Shri P.N. Kar, Sr. Clerk, Bharatpur Colliery.
3. Shri N.K. Pradhan, Sr. Clerk, Bharatpur Colliery.
4. Shri N.C. Sahoo, Sr. Clerk, Bharatpur Colliery.
5. Shri Pitabasa Pani, Sr. Clerk, CGM's Office.
6. Shri Golekha Bihari Behera, Sr. Clerk, Bharatpur Colliery.
7. Shri Sambhunath Dehury, Sr. Clerk, Bharatpur Colliery.
8. Shri Bhaskar Chandra Bhutia, Sr. Clerk, Bharatpur Colliery.

2nd set

1. Shri Naresh Chandra Sahoo, Sr. Clerk, Bharatpur Colliery.
2. Shri Bhudhadev Naik, Sr. Clerk, Bharatpur Colliery.
3. Shri Bijaya Kumar Pradhan, Sr. Clerk, CGM's Office.
4. Shri Jagatananda Sahoo, Sr. Clerk, Bharatpur Colliery.
5. Shri Gobardhan Barik, Sr. Clerk, Bharatpur Colliery.

6. Shri Balakrishna Pradhan, Sr. Clerk, Bharatpur Colliery.
7. Smt. Panchali Sahoo, Sr. Clerk, CGM's Office.
8. Shri Maheswar Behera, Sr. Clerk, Bharatpur Colliery.
9. Shri Raj Kishore Sahoo, Sr. Clerk, Bharatpur Colliery.

3rd set

1. Shri M.D. Sahoo, Sr. Clerk, Bharatpur Colliery.
2. Shri Dhaneswar Prasad, Sr. Clerk, Bharatpur Colliery.
3. Shri P.K. Nayak, Sr. Clerk, Bharatpur Colliery.
4. Smt. Laxmirani Baral, Sr. Clerk, Bharatpur Colliery.
5. Shri Prabina Gochhayat, Sr. Clerk, Bharatpur Colliery.

3. As pleaded by the 2nd party, the 1st set of workmen are the senior most employees than the 2nd & 3rd set of workers. The 2nd set of workmen are senior to the 3rd set of workers. But, while fixing the pay on promotion of the above employees, the senior employees are getting lesser pay as compared to their juniors. On noticing the anomaly, the affected workmen raised their grievances for several times before the 1st party managements (herein after referred to as the "1st party"). Due to non-redressal of their grievances by the 1st party, the affected workmen took the shelter of the Assistant Labour Commissioner (Central), Bhubaneswar [in short ALC (C)] for the redressal of their grievances on pay anomaly. Both the 2nd party and the 1st party appeared before the ALC(C) on different dates and took part in the conciliation proceedings for an amicable settlement of the matter. But on failure of the same, the matter was referred to the appropriate government and hence this reference.

4. The 2nd party on last several occasions remained absent from the proceedings of this case inspite of a notice issued to him 14.08.2014 for submission of his exparte arguments. But, he did not appear and also no further steps were taken by him.

5. The 1st Party Management No. 1 and 2 (herein after referred to as "the 1st party") though appeared before this Tribunals and took adjournments seeking time for filing of their written statements, yet they did not file any written statement. No step also taken by them on subsequent dates. Accordingly, the 1st party were set exparte on 08.08.2012. However, in order to give a further opportunity to the 1st party, a notice was issued to them. But, they did not turn up.

6. On the above grounds the case was reserved for passing of award basing upon the documents available in the record.

FINDINGS

7. Since, the 1st party did not file any counter/written statement against the statement of claim filed by the 2nd party to justify their action taken against the disputant workmen, it is held that the claim of the 2nd party is genuine and the action of the 1st party on fixation of pay of the disputant workmen is not appropriate and justified.

The 1st party is therefore, directed to rectify the pay anomaly of the disputant workers since the date of their entitlements and pay them their consequential benefits immediately. The 1st party is further directed to carry out this order within a period of three months from the date of publication of award in the Gazette of India failing which action as deemed fit will be taken against the 1st party and the 1st party shall pay interest @ 12 percent per annum simple interest on the consequential benefits to the disputant workers computed in terms of money. The reference is answered in light of the above terms.

8. Accordingly, this award is passed exparte against the 1st party management No. 1 and 2.

Dictated and corrected by me.

PRADEEP KUMAR, Presiding Officer

नई दिल्ली, 8 जून, 2015

का.आ. 1201.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एम/एस स्पष्ट सुरक्षित सर्विस प्रा लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ सं० 16/2015) को प्रकाशित करती है जो केन्द्रीय सरकार को 08/06/2015 को प्राप्त हुआ था।

[सं० एल-12012/69/2014-आई आर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 8th June, 2015

S.O. 1201.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 16/2015) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the management of M/s Clear Secured Service (P) Ltd. and their workmen, received by the Central Government on 08/06/2015.

[No. L-12012/69/2014-IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, CHENNAI**

Wednesday, the 15th April, 2015

**Present: K.P. PRASANNA KUMARI, Presiding Officer
Industrial Dispute No. 16/2015**

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Clear Secured Service India Pvt. Ltd. and their workman).

BETWEEN

Sri A. RAVI

Ist Party/Petitioner

AND

1. M/s. Clear Secured Service India Pvt. Ltd.
Regd. Office, 501, Rajgir Sadan,
Laxmi Baugh, Opp. To Sion Station
(West) Mumbai-22
2nd Party/1st Respondent
2. M/s. Clear Secured Service India Pvt. Ltd.
Sri Ram Prasad, Manager,
Corporate
Office-Tamil Nadu
No. 133, S.M. Narayan Nagar
Anna Nagar West Extn., Mogappair,
Near MMM Hospital,
Chennai-600101
2nd Party/2nd Respondent
3. Sri N. Shahul Hameed, MA., BL
36/42, New Bangaru Colony
West KK Nagar, Chennai
2nd Party/3rd Respondent
4. The Chairman
M/s. Bank of India,
Star House, C-5
G-Block,
Bandra Kurla Complex
Bandra (East)
Mumbai-400051
2nd Party/4th Respondent
5. The Chairman & Managing Director
Central Bank of India,
Chandermukhi,
Nariman Point
Mumbai-400021
2nd Party/5th Respondent
6. The Chairman
HDFC Bank House, Senapati Bapat Marg
Lower Parel, Mumbai-400013
2nd Party/6th Respondent
7. The Chief Managing Director
IDBI Bank Ltd., IDBI Tower,
WTC Complex, Cuffe Parade, Colaba
Mumbai-400005
2nd Party/7th Respondent
8. The Chairman & Managing Director
Union Bank of India,
239, Vidhan Bhavan Marg
Mumbai-400021
2nd Party/8th Respondent

9. The Chairman & Managing Director
Vijaya Bank
41/2, Trinity Circle, M.G Road.
Bangalore-560001
2nd Party/9th Respondent

APPEARANCE:

- For the 1st party/Petitioner : Absent
- For the 2nd Party/1st and 2nd Respondent : Sri N. Shahul Hameed, Advocate
- For the 2nd Party/3rd Respondent : Sri N. Shahul Hameed, Advocate
- For the 2nd Party/4th Respondent : M/s. Pais, Lobo, Advocates
- For the 2nd Party/5th and 8th Respondent : M/s. T.S. Gopalan & Co., Advocates
- For the 2nd Party/6th Respondent : Absent
- For the 2nd Party/7th Respondent : Smt. S. Saranya, Authorized Representative
- For the 2nd Party/9th Respondent : Absent

AWARD

The Central Government, Ministry of Labour & Employment *vide* its Order No. L-12012/69/2014-IR (B.II) dated 05.01.2015 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

"Whether the action of the management of M/s. Clear Secured Services (P) Ltd., Chennai regarding termination of the service of the petitioner, Sri A. Ravi is justifiable or not? What relief the petitioner is entitled to?"

2. On receipt of the Industrial Dispute this Tribunal has numbered it as ID 16/2015 and issued notices to both sides. On receipt of notice First, Second, Fourth, Fifth and Eighth Respondents have appeared through their counsel and the Seventh Respondent through the Authorized Representative. No vakalat was filed for other Respondents.

3. Though the petitioner received notice he was absent continuously. He seems to be not interested in proceeding with the matter. In the absence of any material the adjudication of the matter on merits is not possible. The reference is answered against the petitioner.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 15th April, 2015)

K.P. PRASANNA KUMARI, Presiding Officer

Witnesses Examined:

For the 1st Party/Petitioner : None
 For the 2nd Party/Managements : None

Documents Marked:**On the petitioner's side**

Ex.No. Date Description
 N/A

On the Management's side

Ex.No. Date Description
 N/A

नई दिल्ली, 8 जून, 2015

का.आ. 1202.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार विजय बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ सं 26/2015) को प्रकाशित करती है जो केन्द्रीय सरकार को 08.06.2015 को प्राप्त हुआ था।

[सं एल-12011/92/2014-आई आर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 8th June, 2015

S.O. 1202.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 26/2015) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the management of Vijay Bank and their workmen, received by the Central Government on 08/06/2015.

[No. L-12011/92/2014-IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR****COURT, CHENNAI**

Thursday, the 28th May, 2015

Present: K.P. PRASANNA KUMARI, Presiding Officer

Industrial Dispute No. 26/2015

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Indian Bank and their workman)

BETWEEN

The President
 Vijaya Bank Workers Organization
 60/2, Big Street, Triplicane
 Chennai-600005

...Ist Party/Petitioner Union

AND

1. The General Manager (Personnel)
 Vijaya Bank, Head Office, M.G. Road
 Bangalore

...2nd Party/1st Respondent

2. The Dy. General Manager
 Vijaya Bank, Regional Office
 No. 123, Marshalls Road, Egmore
 Chennai-600008

...2nd Party/2nd Respondent

APPEARANCE:

For the 1st Party/
 Petitioner Union : Sri S.D. Srinivasan,
 Authorized
 Representative

For the 2nd Party/
 1st Respondent : Nil

For the 2nd Party/
 2nd Respondent : Absent

AWARD

The Central Government, Ministry of Labour & Employment *vide* its Order No. L-12011/92/2014-IR (B-II) dated 17.02.2015 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

"Whether the action of the Management of Vijaya Bank, Chennai regarding engagement of contract labourers in its establishment which are perennial and permanent nature is justified or not? What relief the representative of the petitioner union is entitled for?"

2. On receipt of notice the petitioner has appeared through the Authorized Representative.

3. The petitioner has filed a memo stating that it is not pressing the dispute. Therefore the reference is answered against the petitioner.

An award is passing accordingly,

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 28th May, 2015)

K.P. PRASANNA KUMARI, Presiding Officer

Witnesses Examined:

For the 1st Party/Petitioner Union : None
 For the 2nd Party/1st Management : None
 For the 2nd Party/2nd Management : None

Documents Marked:**On the petitioner's side**

Ex.No. Date Description
 N/A

On the Management's side

Ex.No. Date Description
N/A

नई दिल्ली, 8 जून, 2015

का.आ. 1203.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इंडियन बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (34/2015) को प्रकाशित करती है जो केन्द्रीय सरकार को 08/06/2015 को प्राप्त हुआ था।

[सं एल-12012/02/2015-आई आर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 8th June, 2015

S.O. 1203.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 34/2015) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the management of Indian Bank and their workmen, received by the Central Government on 08/06/2015.

[No. L-12012/02/2015-IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
CHENNAI**

Thesday, the 26th May, 2015

Present: K.P. PRASANNA KUMARI, Presiding Officer

Industrial Dispute No. 34/2015

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Indian Bank and their workman)

BETWEEN

Sri M. Sivaprakasam

...1st Party/Petitioner

AND

The Branch Manager
Indian Bank, Reddiarpalayam Branch,
43GF, Pondi-Villiyannur Main Road,
Reddiarpalayam,
Puducherry-605010

...2nd Party/1st Respondent

Appearance:

For the 1st Party/Petitioner	Absent
For the 2nd Party/Respondent	M/s. Aiyar & Dolia, Advocates

AWARD

The Central Government, Ministry of Labour & Employment *vide* its Order No. L-12012/2/2015-IR (B-II) dated 09.03.2015 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

"Whether the action of the Management of Indian Bank, Reddiarpalayam Branch, Puducherry in terminating the services of Sri M. Sivaprakasam as Jewel Appraiser and removing his name from panel is legal and justified? If not, to what relief the concerned workman is entitled?"

2. On receipt of notice the Respondent has appeared through counsel. The petitioner has been present on the first hearing date and the matter has been posted for filing Claim Statement by the petitioner. But the petitioner has absented himself thereafter. In spite of that the case has been reposted for Claim Statement of the petitioner. He was absent on this reposted date also. He seems to be not interested in pursuing the case. In the absence of the Claim Statement or any other material the reference is answered against the petitioner. An award is passed accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 26th May, 2015)

K. P. PRASANNA KUMARI, Presiding Officer

Witnesses Examined:

For the 1st Party/Petitioner Union	: None
For the 2nd Party/Management	: None

Documents Marked:**On the petitioner's side**

Ex.No. Date Description
N/A

On the Management's side

Ex.No. Date Description
N/A

नई दिल्ली, 8 जून, 2015

का.आ. 1204.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इंडियन बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में

निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ सं 53/2014) को प्रकाशित करती है जो केन्द्रीय सरकार को 08.06.2015 को प्राप्त हुआ था।

[सं० एल-12011/40/2014-आई आर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 8th June, 2015

S.O. 1204.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 53/2014) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the management of Indian Bank and their workmen, received by the Central Government on 08/06/2015.

[No. L-12011/40/2014-IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Friday, the 15th May, 2015

Present: K.P. PRASANNA KUMARI, Presiding Officer

Industrial Dispute No. 53/2014

(In the matter of the dispute the adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Indian Bank and their workman)

BETWEEN

The General Secretary
Indian Bank Employees Union
No. 6 Moore Street, Mannady Corner
Chennai-600001

1st Party/Petitioner Union

AND

The General Manager (HRM)
Indian Bank, Avvai Shanmugam Salai
Chennai-6000014

2nd Party/Respondent

APPEARANCE:

For the 1st Party/ Petitioner Union	M/s. J. Thomas Jeyaprabharan, Authorized Representative
For the 2nd Party/ Respondent	M/s T.S. Gopalan & Co., Advocates

AWARD

The Central Government, Ministry of Labour & Employment vide its Order No. L-12011/40/2014-IR (B.II) dated 30.06.2014 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

"Whether the action of the Management of Indian Bank in denying permanent benefits to Sri M. Jayabalan, Clerk/Shroff of Vennaiyur Branch, Vellore Zone is legal and justified? What relief the concerned employee is entitled to?"

2. On receipt of the Industrial Dispute this Tribunal has numbered it as ID 53/2014 and issued notices to both sides. The petitioner has entered appearance through Authorized Representative and the Respondent through counsel and have filed their claim and counter statement respectively. The petitioner has filed a rejoinder and the Respondent an additional Counter Statement.

3. The averments in the Claim Statement filed by the petitioner in brief are these:

The Petitioner Union has raised the dispute against termination of service of Jayabalan as "Separated" instead of relieving him on superannuation on 30.04.2012 on attaining the age of 60 years and refusing to pay terminal benefits except Provident Fund. Jayabalan was appointed in the Respondent Bank in the year 1983 under Scheduled Tribe category based on the Community Certificate issued by the competent authority. He was confirmed in the service of the Bank on completion of the period of probation. A Show Cause Notice dated 19.12.1990 was issued to Jayabalan to explain why disciplinary action should not be initiated against him for securing employment in the Bank declaring that he belongs to Kattunayakan Community. It was stated that on investigation by the Bank Jayabalan was found to belong to Hindu Vadanagan Caste which is not a Scheduled Tribe. The High Court of Madras had passed an order of injunction restraining the Respondent from conducting any enquiry regarding the status of the community of Jayabalan pending disposal of the Second Appeal preferred by him. The genuineness of the certificate is yet to be considered by the State Level Scrutinizing Committee. The certificate has not been cancelled by any competent authority. It is only on cancellation of the certificate the employer gets right to initiate disciplinary action on the ground that the certificate is not valid. As per the service conditions governing the Award Staff employees working in the Banks are to be relieved from service on attaining the age of superannuation. The act of the Respondent in dispensing with the service of the Jayabalan by means of a non-existing provision i.e. "Separation" in denying terminal benefits to him is illegal and unjustified. An order may be passed to this effect.

4. The Respondent has filed Counter Statement contending as below:

M. Jayabalan on whose behalf the dispute has been raised was appointed as Clerk/Shroff *w.e.f.* 23.06.1983 under Scheduled Tribe category subject to the verification of the Community Certificate. On such verification it was found that the employee did not belong to Kattunayakan Community. A Show Cause Notice was issued to him seeking explanation from him as to why disciplinary action should not be initiated against him. The employee filed Writ Petition before the High Court of Madras and obtained an order of injunction. After this the matter was referred to a three member committee. The matter is not pending with State Level Scrutiny Committee for enquiry as per the revised order of State Government of Tamil Nadu. In the meantime the employee reached the age of superannuation. In view of the fact that final report on verification of the Community Certificate by the State Level Scrutiny Committee is awaited the employee was not allowed to retire on superannuation but was separated from the service of the Bank as on the date of attaining the age of 60 years *i.e.* 30.04.2012 withholding his terminal benefits of Gratuity and pension. The petitioner is not entitled to any relief.

5. The petitioner has filed rejoinder denying the case in the counter statement and reiterating his case in the Claim Statement.

6. The Respondent has filed additional Counter Statement after this.

7. The evidence in the case consists of exhibits marked as Exts. W1 to Exts. W8 and Exts. M1 to Exts. M7. No oral evidence was adduced by the parties.

8. The points for consideration are:

- (i) Whether the action of the management in denying terminal benefits to Sri M. Jayabalan, Clerk/Shroff is legal and justified?
- (ii) What if any is the relief to which he is entitled?

The Points

9. The workman on whose behalf the dispute is raised had joined the service of the Respondent Bank in the year 1983 under Scheduled Tribe category on the basis of the community certificate that was submitted by him. He was confirmed in the service of the Bank on completion of the period of probation. It seems, a show Cause Notice dated 09.12.1990 was issued to Jayabalan asking him to show cause why disciplinary action shall not be initiated against him as it was revealed on enquiry by the Bank that he is not a member of Kattunayakan Community and thereby not a member of Scheduled Tribe at all but is a member of Hindu Vadagan Caste which is not a Scheduled Tribe. A

genuineness of the certificate on the basis of which Jayabalan had obtained job is now pending for consideration before the State Level Scrutiny Committee. Jayabalan had attained the age of Superannuation on 30.04.2012. Since the genuineness of the Community Certificate by which he obtained job was still to be scrutinized by the State Level Scrutiny Committee the Respondent, rather than relieving Jayabalan as retired on superannuation, passed an order stating that he is separated from the service. Though he was paid the PF amount due to him, other terminal benefits due to him were withheld by the Respondent. The dispute is raised on account of this.

10. It is argued on behalf of the petitioner that the Respondent has no authority to relieve the concerned employee under a name which is not known to law rather than allowing him to retire on superannuation. It is argued on behalf of the petitioner that when there is no provision for such "separation" the Respondent is not justified in making such an order and denying terminal benefits to the employee. It is pointed out by the Authorized Representative that gratuity can be forfeited only under Section-6A of the Gratuity Acts and so far as there is no case for the Respondent that the gratuity is forfeited under this Section there is no justification for such forfeiture. The Authorized Representative has also referred to Caluses-42 to 46 of Pension Regulations of the bank and pointed out that the method adopted by the Respondent is not legal and proper.

11. The Authorized Representative has referred to the decision in State of Jharkhand and others Vs. Jitendra Kumar Srivastava and others (Civil Appeal No. 6770/2013 decided on 14.08.2013) in support of his argument that the order of separation is only an executive instruction which is not having statutory character and this cannot be implemented. In the above case the question considered was whether the State Government is entitled to withhold a part of pension or gratuity during the pendency of departmental/criminal proceedings in the absence of any provision in the Pension Rules. The Apex Court has held that a person cannot be deprived of his pension without authority of law which is the constitutional mandate enshrined in Article-300A of the Constitution. It was further held that executive instructions are not having statutory character and therefore cannot be termed as law. It was found that the State Government cannot withhold even a part of pension or gratuity on the basis of a circular. The Authorized Representative has referred to the decision of the Apex Court in Kandasamy Vs. Chief Engineer, Madras Port Trust decided on 22.08.1997 also in this respect. Here it was observed that Community Certificate issued to Scheduled Tribe candidate prior to 11.11.1989 is good and valid if not cancelled.

12. It has been pointed out on behalf of the Respondent that the genuineness of the certificate on the basis of which the concerned employee obtained employment was under consideration. It has also been pointed out that it was on account of delaying tactics on the part of employee only that the matter is still pending with the State Level Scrutinizing Committee. It is also pointed out that the Respondent has not forfeited the claim of the employee but has only withheld the claim pending decision regarding the genuineness of the certificate.

13. It could be seen that the Bank had been trying to verify the genuineness of the Community Certificate in question long ago. When the certificate was sent for verification, the community certificate had filed a suit before Sub-Court Pudukkottai as OS 82/1988 seeking a declaration that the Respondent has no authority to enquire about the genuineness of the Certificate and to restrain them for making any such enquiry. By Ext. M1 judgement the suit was dismissed. The appeal filed against the said judgement also was dismissed. The concerned employee filed SA 1097/96 before the High Court of Madras as seen from the grounds of appeal marked as Ext. M2. It is seen from the Claim Statement itself that the employee had filed WP before the High Court for an injunction restraining the Respondent from conducting any enquiry regarding the status of the community of the employee pending disposal of the second appeal preferred by him.

13. The documents produced by the Respondent would show that there was no laches on the part of the Respondent Ext. M3 is a letter by the Respondent Bank to the District Collector requesting to send files relating to verification of community certificates of employees including the concerned employee to the State Level Scrutinizing Committee. Ext. M4 is a letter written by the Respondent to the secretary to the Government of Tamil Nadu to furnish the position of the pending cases. Ext. M7 is another letter by the Respondent to the Principal Secretary to Govt., Adi Dravidan Tribal Welfare Department of the Government of Tamil Nadu to give direction to the authorities concerned to dispose off the long pending cases. In Ext. M7 it is also stated that payment of terminal benefits to the employees against whom verification of community certificate is withheld for want of verification report from the authorities.

14. The counsel for the Respondent has pointed out that if a person gets appointment on the basis of a fraudulent certificate his appointment is no appointment at all in the eye of law. The counsel for the Respondent has referred to the decision in Vishwanath Pillai Vs. State of Kerala reported in AIR 2004 SC 1469(1) in this respect. The Apex Court has held in this that a person who has obtained appointment based on a false certificate cannot claim a right to the post as he had usurped a post meant

for a reserved candidate by playing fraud and producing false certificate. Unless the person can lay a claim to the post on the basis of his appointment he cannot claim the constitutional guarantee given under Article-311 of the constitution. As he had obtained appointment on the basis of a false caste certificate he cannot be considered to be a person who holds a post within the meaning of Article-311 of Constitution of India, it was further held. The counsel has also referred to the decision of the Apex Court in Bank of India and another Vs. Avinash and others reported in 2005 7 SCC 690. Here it was held that the caste certificate having been obtained fraudulently the very foundation of the appointment collapses and the same is no appointment in the eye of law. Of course in the above two cases referred to by the Respondent the Scrutinizing Committee has already found that the certificates in question were fraudulently obtained. In the present case the scrutiny of the certificate is yet to be done. However, the observation of the Apex Court would show that obtaining appointment on the basis of a false certificate is no appointment at all and the concerned person cannot claim any right of benefits from the appointment.

15. The counsel for the Respondent has referred to the decisions of the Madras High Court where the Hon'ble Court has refused to order payment of terminal benefits pending decision by the State Level Scrutiny Committee on the genuineness of the Community Certificates. In the decision in Balasubramanian Vs. Asstt. General Manager and others in WP No. 17184/2011 the Madras High Court has relied upon the decision of the Apex Court in Vishwanath Pillai's case referred to earlier. In the above case the High Court has only given a direction that payment of terminal benefits to the concerned employee would depend upon the order that may be passed by the State Level Scrutiny Committee. In other cases regarding employees of Indian Bank also the Madras High Court has taken the same view. In the case of A.G Rose in WP 11286/12 decided on 02.07.2014 also the High Court has directed that the Bank need disburse the retirement benefits to the Writ petitioner based on the findings of the State Level Scrutiny Committee. This is the direction given in the case of Sundar in WP 19006/2013 and Ayyappan in WP 21396/2013 decided on 04.07.2004 also.

16. It is not a case where the Bank had forfeited the retirement benefits to the concerned workman. The Bank has only withheld the benefits pending the report of the Scrutiny Committee regarding the certificate of the concerned employee. The delay in taking a decision regarding the genuineness of the certificate seems to be mainly on account of the various litigations entered into by the concerned employee. Disbursement of the amount should depend upon the decision taken by the Scrutiny Committee on the genuineness of the Certificate. I find the concerned employee is not entitled to any relief at this stage.

The reference is answered against the petitioner. An award is passed accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 15th May, 2015)

K.P. PRASANNA KUMARI, Presiding Officer

Witnesses Examined:

For the 1st Party/Petitioner Union : None

For the 2nd Party/Management : None

Documents Marked:

On the petitioner's side

Ex.No.	Date	Description
Ex.W1	25.10.2012	Letter reference IBEU/261/2012 to the Assistant Labour Commissioner, Chennai by the Union
Ex.W2	19.03.2012	Counter submitted by the administration to the Asstt. Labour Commissioner
Ex.W3	19.07.2013	Rejoinder submitted by the Union to the Assistant Labour Commissioner
Ex.W4	19.12.1990	Show Cause Notice issued by the Zonal Manager/Disciplinary Authority, Zonal Officer, Trichy
Ex.W5	26.04.2012	Letter from the administration to M. Jayabalan intimating "separation" from the services.
Ex.W6	30.04.2012	Letter from the Indian Bank, Vennaiyur Branch to M. Jayabalan
Ex.W7	08.09.2012	Representation from M. Jayabalan to the General Manager (HRM) requesting sanction of termination Benefits
Ex.W8	14.09.2012	Letter from CO:HRM to M. Jayabalan on with holding terminal benefits

On the Managements's side

Ex.No.	Date	Description
Ex.W1	29.10.1983	Judgement of Sub-Court, Pudukottai in Os No. 82/88
Ex.W2	06.08.1996	Grounds of Appeal in S.A. No. 1097 of 1996 before High Court, Madras
Ex.M3	25.04.2008	Letter from Respondent of District Collector, Pudukottai
Ex.M4	28.07.2011	Letter from Respondent to the Secretary, Adi Dravidar & Tribal Welfare Department, Govt. of Tamil Nadu
Ex.M5	13.09.2011	Letter from the Dy. Secretary to the District Collector, Pudukottai
Ex.M6	09.12.2011	Letter from Respondent to District Collector, Pudukottai
Ex.M7	04.01.2013	Letter from Respondent to the Principal Secretary to Govt. of Tamil Nadu.

नई दिल्ली, 8 जून, 2015

का.आ. 1205.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार चेन्नई पतन न्यास के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 12/2015) को प्रकाशित करती है जो केन्द्रीय सरकार को 08/06/2015 को प्राप्त हुआ था।

[सं एल-33011/05/2014-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 8th June, 2015

S.O. 1205.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 12/2015) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the industrial dispute between the management of the Chennai Port Trust and their workmen, received by the Central Government on 08/06/2015.

[No. L-33011/05/2014-IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 23rd April, 2015

Present: K.P. PRASANNA KUMARI, Presiding Officer

Industrial Dispute No. 12/2015

In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Chennai Port Trust and their workman.

BETWEEN

The General Secretary
Transport and Dock Workers Union No. 32
Perumal Mudali Street
Kondithope
Chennai-600079

...1st Party/Petitioner Union

AND

The Chairman
Chennai Port Trust
Rajaji Salai
Chennai-600001

...2nd Party/Respondent

APPEARANCE:

For the 1st Party/ : M/s. R. Prathapan & D.
Petitioner Union Venkatesan, Advocate

For the 2nd Party/ : M/s. M.R. Dharanichander,
Respondent Advocate

AWARD

The Central Government, Ministry of Labour & Employment *vide* its Order No. L-33011/05/2014-IR (B.II) dated 07.01.2015 referred the following Industrial Dispute to this Tribunal for adjudication.

The Schedule mentioned in that order is:

"Whether the action of the management of Chennai Port Trust regarding non-extension of revision of other allowances in Clause-23 as per the Wage Settlement dated 19.01.2010. is justifiable or not? What relief the workman is entitled to?"

2. On receipt of the Industrial Dispute this Tribunal has numbered it as ID 12/2015 and notice was issued to both sides. Both sides have entered appearance through their counsel.

3. Though the petitioner has entered appearance through a counsel he was consistently negligent in proceeding with the case. He was absent on the first hearing date even though he has received notice. It was only after issuing notice again he appeared through Counsel. Thereafter, also the matter was posted for filing Claim Statement by the petitioner. But in spite of repeated postings, the petitioner and his counsel were absent. The petitioner seems to be not interested in proceeding with the matter. There is no material available to support the issue under reference.

In the above circumstance, the reference is answered against the petitioner.

An award is passed accordingly.

(Dictated to the P.A., Transcribed and typed by him, corrected and pronounced by me in the open court on this day the 23rd April, 2015)

K. P. PRASANNA KUMARI, Presiding Officer

Witnesses Examined:

For the 1st Party/Petitioner : None

For the 2nd Party/Management : None

Deocument Marked:**On the petitioner's side**

Ex. No.	Date	Description
		Nil

On the management's side

Ex. No.	Date	Description
		Nil

नई दिल्ली, 8 जून, 2015

का.आ. 1206.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एम/एस स्पष्ट सुरक्षित सर्विस (प्र०) लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चैन्नई के पंचाट (संदर्भ सं० 17/2015) को प्रकाशित करती है जो केन्द्रीय सरकार को 08/06/2015 को प्राप्त हुआ था।

[सं० एल-12012/68/2014-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 8th June, 2015

S.O. 1206.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 17/2015) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the management of M/s. Clear Secured Service (P) Ltd. and their workmen, received by the Central Government on 08.06.2015.

[No. L-12012/68/2014-IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
CHENNAI**

Wednesday, the 15th April, 2015

Present: K.P. PRASANNA KUMARI, Presiding Officer

Industrial Dispute No. 17/2015

In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Clear Secured Service India Pvt. Ltd. and their workman.

BETWEEN

Sri N.M. Yuvaraj

..1st Party/Petitioner

AND

1. M/s. Clear Secured Service India Pvt. Ltd.
Regd. Office, 501, Rajgir Sadan, Laxmi Baugh,
Opp. To Sion Station (West), Mumbai-22

...2nd Party/1st Respondent

2. M/s. Clear Secured Service India Pvt. Ltd.
Sri Ram Prasad, Manager, Corporate
Office-Tamil Nadu

No. 133, S.M. Narayan Nagar
Anna Nagar West Extn., Mogappair,
Near MMM Hospital
Chennai-600 101

...2nd Party/2nd Respondent

3. Sri N. Shahul Hameed, MA., BL
36/42, New Bangaru Colony
West K.K. Nagar, Chennai

...2nd Party/3rd Respondent

4. The Chairman
M/s. Bank of India, Star House, C-5
G-Block, Bandra Kurla Complex
Bandra (East), Mumbai-400 051

...2nd Party/4th Respondent

5. The Chairman & Managing Director
Central Bank of India, Chandermukhi
Nariman Point, Mumbai-400 021

...2nd Party/5th Respondent

6. The Chairman
HDFC Bank House, Senapati Bapat Marg
Lower Parel, Mumbai-400 013

...2nd Party/6th Respondent

7. The Chief Managing Director
IDBI Bank Ltd., IDBI Tower, WTC
Complex, Cuffe Parade, Colaba
Mumbai-400 005

...2nd Party/7th Respondent

8. The Chairman & Managing Director
Union Bank of India
239, Vidhan Bhavan Marg
Mumbai-400 021

...2nd Party/8th Respondent

9. The Chairman & Managing Director
Vijaya Bank
41/2, Trinity Circule, M.G. Road
Bangalore-560 001

...2nd Party/9th Respondent

APPEARANCE:

For the 1st Party/

Pettioner

: Absent

For the 2nd Party/
1st and 2nd Respondent

: Sri N. Shahul Hameed,
Advocate

For the 2nd Party/
3rd Respondent

: Sri N. Shahul Hameed,
Advocate

For the 2nd Party/
4th Respondent

: M/s. Pais, Lobo, Advocates

For the 2nd Party/
5th and 8th Respondent

: M/s. T.S. Gopalan & Co.,
Advocates

For the 2nd Party/
6th Respondent

: Absent

For the 2nd Party/
7th Respondent

: Smt. S. Saranya,
Authorized Representative

For the 2nd Party/
9th Respondent

: Absent

AWARD

The Central Government, Ministry of Labour & Employment *vide* its Order No. L-12012/68/2014-IR(B.II) dated 05.01.2015 referred the following Industrial Dispute to this Tribunal for adjudication.

The Schedule mentioned in that order is:

"Whether the action of the management of M/s. Clear Secured Services (P) Ltd., Chennai regarding termination of the service of the petitioner, Sri N.M. Yuvaraj is justifiable or not? What relief the petitioner is entitled to?"

2. On receipt of the Industrial Dispute this Tribunal has numbered it as ID 17/2015 and issued notices to both sides. On receipt of notice First, Second, Fourth, Fifth and Eighth Respondents have appeared through their counsel and the Seventh Respondent through the Authorized Representative. No Vakalat was filed for other Respondents.

3. Though the petitioner received notice he was absent continuously. He seems to be not interested in proceeding with the matter. In the absence of any material the adjudication of the matter on merits is not possible. The reference is answered against the petitioner.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 15th April, 2015)

K. P. PRASANNA KUMARI, Presiding Officer

Witnesses Examined:

For the 1st Party/Petitioner

: None

For the 2nd Party/Management

: None

Documents Marked:

On the petitioner's side

Ex. No. Date Description

N/A

On the Management's side

Ex. No. Date Description

N/A

नई दिल्ली, 9 जून, 2015

का.आ. 1207.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इंदिरा गांधी नेशनल ओपन यूनिवर्सिटी, रीजनल सेंटर, पटना के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, धनबाद के पंचाट (संदर्भ सं० 44/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 08/06/2015 को प्राप्त हुआ था।

[सं० एल-42012/134/2012-आईआर (डी यू)]
पी० के० वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 9th June, 2015

S.O. 1207.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. Reference No. 44 of 2013) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of the Indira Gandhi National Open University, Regional Centre, Patna and their workman, which was received by the Central Government on 08.06.2015.

[No. L-42012/134/2012-IR(DU)]
P. K. VENUGOPAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD

PRESENT :

Shri Kishori Ram, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D. Act., 1947.

REFERENCE No. 44 OF 2013

PARTIES :

Smt. Bindiya Devi,
C/o Sri Upendra Ram,
Moh-Ambedkar Bhawan,
Flat No. 203-B,
Nala Road, Kadam Kuan, Patna

Vs.

The Regional Director,
Indira Gandhi National Open University,
Regional Centre, Patna, IInd Floor,
Biscoman Tower, West Gandhi Maidan,
Patna 01.

Order No. L-42012/134/2012-IR (DU)
dt. 20.02.2013

On behalf of the workman/Union : Mr. D. Mukherjee
Ld. Advocate

On behalf of the Management : Mr. Zaki Azam
Ld. Advocate

State : Bihar Industry : Deptt. of Education

Dated, Dhanbad, the 11th May, 2015

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec. 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-42012/134/2012-IR (DU) dt. 20.02.2013.

SCHEDULE

"Whether the action of the Management by illegal termination of services of Smt. Bindiya Devi *w.e.f.* 04.05.2012 is justified or not? If not, what relief she is entitled to?"

On receipt of the Order No. L-42012/134/2012-IR(DU), dt. 20.02.2013 of the above mentioned reference from the Government of India, Ministry of Labour & Employment, New Delhi, for adjudication of the dispute, the Reference Case No. 44 of 2013 was registered on 11.03.2013 and accordingly an order to that effect was passed to issue notices through the Registered Posts to the parties concerned, directing them to appear in the Court on the date fixed, and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Posts were sent to the parties concerned.

Both the parties made their appearances and filed their pleadings and photocopies of their documents. The Workman and the O.P./Management through their Ld. Advocates appeared respectively, and contested the case.

2. The case of Smt. Bindiya Devi as stated in her written statement is that she had been working as a permanent Sweeper against the job of permanent nature since Sept., 2005 continuously within the premises of the Establishment under the direct control and supervision of the Management of Indira Gandhi National Open University. Though he had been working till then Management calling her Part-Time employee and paying her the wages of a Part-time employee in the name of alleged intermediaries. She also represented before the Management several times for the payment of wages of a permanent workman but the Management got annoyed and terminated her service by stopping her from duty since 04.05.2012, though she had reported for her duty on that day. The Management disallowed her to resume her duty without any reason even on her representation several times for it, Finding no alternative, the petitioner raised this Industrial Dispute for the ALC (C), Patna.

Despite the direction of the Conciliation Officer to produce the statutory documents such as registered of attendance, payment of bonus etc. the anti-labour Management failed to produce it. The conciliation proceedings lastly failed and resulted in the reference for adjudication, so the action of the Management in terminating the service of petitioner *w.e.f.* 04.05.2012 is illegal, unjustified as well as void for non-compliance of provision u/s 25 F of the I.D. Act in view of his continuous service for more than 240 days in attendances in a calendar year.

Further she alleged that she was appointed by the Management in the year 2005, she had been working six days in a week from 7 a.m. to 12 p.m. and getting Rs. 1500/- per month on voucher. She got monthly payment by cheque from 03.05.2012 to March, 2012. Her monthly salary was reduced by the Management from Rs. 1500 to 750 arbitrarily and illegally. The Management began to pay her Rs. 1000/- per month from Nov. 2007 to Dec., 2009 Dr. A.N. Tripathy the Management Official, increased her monthly wages from Rs. 1,000/- to Rs. 4,650/- from Jan., 2010 by changing the working hours from 08 a.m. to 05 p.m. She was working even on holidays and rest days, getting her wages for the holidays as well. Dr. Haider, Management Official began to pay Rs. 205/- daily. As such the Management had exploited the poor downtrodden petitioner in an illegal manner. Hence, the petitioner is entitled to reinstatement with her full back wages and full benefits.

3. The petitioner in her rejoinder had denied all the allegation of the OP/Management as false, misleading and vague further stating that the OP/Management changed her status from direct employee to alleged intermediary employee without her consent and contrary to the mandatory provision of Sec. 9 A of the I.D. Act.

4. Whereas the case of the OP/Management is that the Management have already represented before the ALC (C), Maurya Lok Complex, Patna that the no relationship of the employer and employee exists between the OP/Management and the Lady petitioner. The petitioner was engaged by the Management as a Part-Time Sweeper only for 2 hours 8 a.m. to 10 a.m. in Sept., 2005 till Dec. 2009 and accordingly she was paid her wages. Her duty of work was increased from Jan, to March, 2010 and her wages was accordingly paid. Further it is alleged that From April, 2010 onwards the petitioner joined M/s. Popular Sainik Security Agency, the Agency providing manpower to regional Centre, Indira Gandhi National Open University, 2nd Floor, Biscoman Tower, Patna. Thus she became the employee of M/s. Popular Sainik Security Agency, resulting in Stopping her engagement by the IGNOU. The aforesaid Security Agency assigned their employees including petitioner with their duties, instructing them to perform their duties under the Supervision of their staff at the specified places. When aforesaid Field worker does not attend her duty of the

Security Agency. The Agency alternatively arranges for getting the office premises cleaned properly on time. The aforesaid popular Sainik Security Agency raises bills time to time for different dates and the same after scrutiny is paid by the Management. As such the allegation of the petitioner for her termination by the Management is absolutely false, as she is the employee of the aforesaid Security Agency, so the question of termination does not arise. Hence the Industrial Dispute is not maintainable on that score.

The OP/Management in their simultaneous rejoinder has categorically denied all the allegations of the petitioner as totally vague and wrong and baseless. Under such circumstances, there is no violation of Sec 25 of the I.D. Act. Further alleged on behalf of the OP/Management is that the engagement of the petitioner by Indira Gandhi National Open University in Sept., 2005 was a Part-Time Sweeper on daily wages only in exigencies for two hours only. Hence the petitioner is not entitled and remuneration from IGNOU.

FINDING WITH THE REASONS

5. In the instant reference Case WW1 Bindiya Devi, the petitioner herself for her sake, WW2 Upendra Ram, the husband of the petitioner, and MW1 Rajesh Kumar Sharma, the Asstt. Registrar for the OP/Management of Indira Gandhi National Open University (IGNOU) have been respectively examined.

Mr. D. Mukherjee, Ld. Counsel for the petitioner has argued that the Lady petitioner had been continuously working at (IGNOU), Regional Centre, Patna, and being said since Sept., 2005 (Ext. W.1 with objection) as a Part-Time Sweeper, though lastly being engaged by the Management as permanent full time employee with full wages from 2010, yet suddenly without any mandatory notice of change under Sec. 9A of the Industrial Disputes Act, 1947, the OP/Management began to call her an employee of alleged contractor agency M/s. Popular Sainik Samity from April, 2010 by changing her service against which she had seriously protested. Further the plea of Mr. Mukherjee is that in similar issue of the F.C.I. Employees who were appointed by the F.C.I. but suddenly Management started to treat them as employee of Contractor without giving any notice u/s 9A of the I.D. Act, the Hon'ble Apex Court was pleased to hold in the case of workmen of the F.C.I. Vs. M/s. FCI of India reported in I.F.L.R. May, 1995 at page 442 that when employees working under the employer are told they have ceased to be the workmen of the employer, and have become workmen of another employer in legal parlance such an act of the first employer constitutes discharge, termination of service or retrenchment and fresh employment by another employer. No employer can dispense with the services of any workman contrary to Industrial Disputes Act, 1947 and Certified (Standing Order) Act, 1946.

Any such termination contrary to the provisions of Industrial Dispute Act would be void (Paras 12 & 17). Lastly, Mr. Mukherjee, Ld. Counsel for the Lady petitioner has to submit that the petitioner as per her petition dt. 30.05.2014 has called for the document of Attendance Register for the period 2005 to 2012, but the Management filed Xerox copies of 10 documents as per the list dt. 26.03.2014 other than the Attendance Register, though the workman had filed the original Statement of her account in Xerox-6 sheets (Ext. W.2 series) apart from her original Certificate dt. May 24, 2006 issued by the I.G.N.O.U. about her working as per Part Time Sweeper since Sept., 2005 (Ext. W.1). As such her illegal termination by the Management is unjustified, so she is entitled to her reinstatement in her service with full back wages.

In the instant case, the OP/Management as per its petition dt. 07.07.2014 appears to have specified responded that calling for the Attendance Register for the period of 2005 to 2012 is quite irrelevant, as it is annually maintained for only the regular and permanent employees of the Management. Mr. Zaki Azam, Ld. Advocate for the OP/Management has contended that there is no issue under IV Schedule (in reference to Sec. 9A of the I.D. Act) which is related to wages including the period mode for payment etc. so the aforesaid ruling is inapplicable; moreover, the lady petitioner was a partly worker of the M/s Popular Agency, so there is no case of her termination, because of the fact that she was never an employee of the Management; thus, she is not entitled to any relief under the law.

6. On perusal and consideration of the materials available on the case record, it appears incontrovertible that petitioner Bindiya Devi had undoubtedly not got any appointment letter either from the OP/Management even for post of Sweeper against permanent or temporary post, rather the Certificate dt. 24.05.2005 issued by K.V.D. Prakash Roy, the Asstt. Registrar of the OP/Management, Regional Centre, Patna in favour of lady petitioner Bindiya Devi appears to be totally a false and concocted document for her working as a Part Time Sweeper in the Regional Centre since Sept. 2005, as her Certificate was issued to her as a Part Time Sweeper on 24.05.2005 prior to her alleged working to be continued as a Part Time Sweeper. It is a clear indication that she was never a regular Sweeper of the Management. Further it stands clear from the case of the petitioner that she had never been in continuous service for 240 days in any period of 12 calendar months preceding the date with the reference to which calculation is to be made as a pre-requisite under Sec. 25-B(2)(a)(ii) of the I.D. Act., 1947. The instant Reference which mainly related to her alleged illegal termination by the Management *w.e.f.* 04.05.2012 does not fall under any of the eleven items/conditions of the IV Schedule as required for a notice of change under Sec. 9A of the I.D. Act. Hence, the aforesaid ruling of the Hon'ble Apex Court does not hold good with the factum of the case.

In result, in view of the out and out purely temporary status of the lady petitioner as Part-Time sweeper, she can neither have any status of a regular Sweeper nor claim her status accordingly. Under such circumstances there is no question of her termination by the OP/Management, as she was not the employee of the OP/Management. As such it is hereby, in the terms of the Reference, responded and accordingly awarded that in view of the palpably false case of the petitioner about her employment by the Management, no question for the action of the Management for her illegal termination of service of petitioner Bindiya Devi *w.e.f.* 04.05.2012 arises as justified or not? Hence she is not entitled to any relief whatsoever.

KISHORI RAM, Presiding Officer

नई दिल्ली, 9 जून, 2015

का.आ. 1208.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार चीफ एग्जीक्यूटिव अफसर, कैंटोनमेंट बोर्ड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, धनबाद के पंचाट (संदर्भ सं० 27/2011) को प्रकाशित करती है जो केन्द्रीय सरकार को 08/06/2015 को प्राप्त हुआ था।

[सं० एल-13011/03/2011-आईआर (डीयू)]

पी० के० वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 9th June, 2015

S.O. 1208.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. Reference No. 27/2011) of the Central Government Industrial Tribunal Cum Labour Court No. 2, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Chief Executive Officer, Cantonment Board and their workmen, which was received by the Central Government on 08.06.2015.

[No. L-13011/03/2011-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2), AT DHANBAD**

PRESENT :

Shri Kishori Ram, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D. Act, 1947.

REFERENCE NO. 27 OF 2011.

PARTIES :

The President,
Chawani Parishad Karamchari Sangh,

Chawani Parishad, Danapur Cantt.,
Patna (Bihar)

Vs.

The Chief Executive Officer,
O/o the Cantonment Board
Danapur Cantt., Patna (Bihar),
Order No. L-13011/3/2011-IR (DU) dt.
03.10.2011

APPEARANCES:

On behalf of the workman/Union : Mr. D.K. Verma,
Ld. Advocate,

On behalf of the Management : Mr. R.R. Prasad,
Ld. Advocate

State : Bihar Industry : Defence

Dated, Dhanbad, the 20th May, 2015

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec. 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-13011/3/2011-IR (DU) dt. 03.10.2011.

SCHEDULE

"Whether the action of the Management of Danapur Chawani Parishad, Danapur Cantt., by terminating the service of Shri Brahmdeo Yadav and Shri Rajan Kumar without observing the local provisions u/s 25-F laid down is proper and justified? Whether the workers are entitled for reinstatement with full back wages? What relief they are entitled to?"

On receipt of the Order No. L-13011/3/2011-IR (DU) dt. 03.10.2011 of the above mentioned reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, the Reference Case No. 27 of 2011 was registered on 18.10.2011 and accordingly an order to that effect was passed to issue notices through the Registered Posts to the parties concerned, directing them to appear in the Court on the date fixed, and to file their written statements along with the relevant documents. In pursuance of the said order, notices by the Registered Posts were sent to the parties concerned.

Both the parties made their appearances and filed their pleadings and photocopies of their documents. The Union and the O.P./Management through their Ld. Advocates respectively contested the case.

2. The case of workmen S/Shri Brahmdeo Yadav and Rajan Kumar in their written statement as represented by the Union Representative concerned is that on their applications for recruitment against vacancy as advertised by the Danapur Cantonment, the workmen after their due

interview were found suitable by the OP/Management, so they were appointed as permanent employee of the OP/Management. Since then, they had been rendering their services to the Management by completing more than 240 days attendance every year. The workmen were though entitled to their wages according to the 6th Pay Commission, yet being paid their wages lesser than that by the Management. When the Union Chawani Parishad Karmchari Sangh put a demand before the Management for payment of wages to the workmen concerned according to the 6th Pay Commission, the OP/Management got angry and illegally terminated their services *w.e.f.* 23.02.2010 for their union activities in utter violation of mandatory provision u/s 25-F of the Industrial Dispute Act, 1947, and even without getting any prior permission from the Government under Sec. 25-N of the said Act. The Management appointed another persons in their places after their retrenchment, in violation of Sec. 25-H of the Act. Then the I.D. raised by the Union before the ALC(c) Patna turned out its failure in its conciliation due to non appearance and adamant attitude of the OP/Management, resulting in the instant Reference for an adjudication. The retrenchment of the workmen is *ab initio* void, so the workmen are entitled to reinstatement with full back wages.

Both the workmen in their rejoinder have also specifically denied all the allegations of the OP/Management as incorrect, further stating their appointments in the year 2002 and their continuous working till their termination. They have also justified for the maintainability of the Industrial dispute in law.

3. Whereas the contra pleaded case of the OP/Management is that the Union concerned is neither a registered Trade Union nor affiliated to the All India Cantonment Boards Employees Federation under Sec. 36 of the I.D. Act 1947 to raise the I.D. for the workmen. Non-furnishing of an information by the Union regarding its registration etc. even after lapse of more than 26 months denotes its non-existence under the Rule 42(2) of the Industrial Dispute (Central) Rules 1947. The fact that the Management as per direction of the Directorate Defence Estates, Government of India, Ministry of Defence, has to hold JCM meeting regularly with the registered Union affiliated to the All India Cantonment Board Employees Federation only was also represented before the ALC (C), Patna. The Union concerned has not filed a statement of claim with complete relevant documents etc as required under the Rule 10B of the aforesaid I.D. Rules. Factual case of both the workmen Rajan Kumar and Brahmdeo Yadav is that they had been engaged on daily wages for 89 (eighty nine) days only as per the Danapur Chhawani Sankalp Sankhya 1 dt. 22.01.2010, but they accordingly served the cantonment Board only for 19 (nineteen) days from Feb. 1 to 22, 2010, but since thereafter, they remained absent without any information. So there is neither any

retrenchment of them under Sec. 2 (00) of the Act, nor any applicability of provisions u/s 25 F of the Act to their case.

The OP/Management in their simultaneous rejoinder have categorically denied all the allegations of the Union/workmen concerned, further alleging non-application of the provisions u/s 25 N, 25 F and 25 H to the case of the causal workmen, as the Cantonment Board had taken the services of Labour Contractor in exigency. So both the workmen are not entitled to any relief.

FINDING WITH REASONS

4. In the instant case WW1 Brahmdeo Yadav, the workman and WW2 Devnandan Ram, the Secretary for INTUC for the Union concerned, And MW1 Md. Firoz, the Store Keeper cum In charge Sanitary Inspector as well as the Law Assistant for the OP/Management have been respectively examined.

Mr. D.K. Verma, Ld. Advocate for the Union/both workmen concerned has to submit that both workmen, namely Brahmdeo Yadav and Ranjan Kumar after their due interview as per their interview letters (Extt. W2 & 2/1 respectively) were appointed as Safaiwala against permanent vacancies as advertised by the Management of Danapur Cantt. in the daily Hindustan dt. 28.09.2004 (Ext. W.1). Since then they had been continuously rendering their services to the Management having completed 240 days attendances each and every year. But on their demand from the Management for their wages according to VI Pay Commission, they were illegally terminated in violation of mandatory provision of Sec. 25-F, 25-H of the Industrial Dispute Act, 1947. Underlying the verdict of Hon'ble Apex Court in the case of Robert D' Souza Vs. Executive Engineer, Southern Railway and others reported in 1982 SSC (L & S), 24, Mr. Verma has submitted, as held therein, that even a Casual and Seasonal Worker who rendered continuous service for one year or more can not be retrenched on same ground without complying with the requisite of Sec. 25 F Mr. Verma has also cited the same view of the Hon'ble Supreme Court as held in the Civil Appeal No. 2417-2418 (arising out of SLP (Civil) No. 29634-29635/2008 Hari Nandan Pd. & Anors Vs. E. Engineer (I/R) to the Management of FCI & another as held therein, that the termination of services without following the Sec. 25 F is illegal and unjustified; therefore, the workmen are entitled for reinstatement with 50% back wages. As such it has been urged for the reinstatement of workmen with full back wages.

4. Whereas the contention of Mr. R.R. Prasad, Ld. Advocate for the OP/Management is that in fact the advertisement was published on 23.09.2004 (Ext. W.1) and the interview letters (Ext. W. 2 & 2/1) were issued to the both the workmen for their interview on Feb. 25 & 26, 2005 respectively for the post of Safaiwala but they were not selected for the post; hence they were not given any

appointment letter for the post as also admitted by the workmen Brahmdeo Yadav (Ext. WW 1). Such plea of the workmen for their appointment against the permanent post of cleaner is untenable, because both the workmen have put their claim against the permanent post of cleaners with the help of their alleged attendances as a Daily Wager for the period of March, 2008 to Jan, 2010 (Ext. W.3 series) (22 Sheets), but it does not show the names of these two workmen Brahmdeo Yadav and Ranjan Kumar.

Drawing my attention, Mr. Hari Prasad has further submitted that one sheet of Extt. W.3 series, the alleged Attendance Sheet, is alleged for Jan., 2010. It shows the name of Brahmdeo Yadav and one Rajan Ram (Not Rajan Kumar) along with Rajoo Ram. They put their own signatures of attendance against their "Dainik Betan Bhogi" before their names but without an official authentication. Whereas the statement of WW2 Devnandan Ram, the Union Representative corroborated the engagement of both the workmen as daily Wage Mazdoors in exigencies in Feb., 2010 with their authorization letters for 89 days but they worked only for 19 days up to 22.02.2010 and then they left the job. Acknowledged fact of the Union and the workmen is that the Danapur Cantt. Board is a Government Organization and its work is done as per the Rules and regulations of the Board. He has also failed to prove the registration of the Union and its affiliation with INTUC, so the Union has no locus standi to raise the Industrial Dispute despite a recognized Union is already in existence. It is also argued on behalf of the OP/Management that in absence of appointment letter, there can not be legitimate expectation of reinstatement as held by the Hon'ble Supreme Court in case of B. T. Krishna Murthy Vs. Basveswara Education Society and others reported in 2013 (137) FLR 689.

5. On perusal of the materials, I also find that the Pay & Acquaintance Rolls of Permanent/Temporary Entire Establishment of Danapur Cantt. Board for the month of March, June, Sept., Dec., 2007, March, June, Sept., Dec., 2008, Jan., Feb., 2009 (Extt. M-1-1/9 series), and those for Mar., June, Aug., Sept., Dec., 2010 prove that both the daily wagers Brahmdeo Yadav and Ranjan Kumar were never an employee of the OP/Management. The official letters and Notes (Extt. M.2 series) conclusively prove the fact that the instant Chawani Parishad Karamchari Sangh is not a recognized Union and nor affiliated to All India Cantonment Board Employees Federation (AICBEF). The two copies of the statement of Account of the Management for Oct. & Aug., 2011 (Ext. M.3 series) prove the payment of Rs. 1,900/- through their cheques each to both the instant workmen for their casual work. In view of the aforesaid facts & findings, it stands quite clear that both the workmen were out and out irregular Daily Wagers for a few days only and an unengagement of any of both the workers as a Daily Wagers by the Management does not mean in any way retrenchment or termination of

them by the Management under the provisions of I. D. Act., 1947. On the consideration of the factum and legum status of the instant case, I am of the view that the arguments of Mr. R. R. Prasad, Ld. Counsel for the OP/Management outweighs that of Mr. D. D. Verma, Ld. Advocate, for the Union/workmen. Besides the instant Union being an unrecognized one has no locus standi to raise this reference.

In result, it is hereby, in the terms of the Reference responded and accordingly awarded that since both the alleged workmen Brahmedeo Yadav and Ranjan Kumar being irregular Daily Wagers for a few days had no service as the employees of the Management of Danapur Cantt. so no question arises about the action of the Management for terminating their services nor the compliance of the provisions u/s 25F of the I. D. Act, 1947 holds good with the instant Reference. Hence, the workers who were irregular Casual Daily Wagers for a few days are not entitled for reinstatement with full back wages, nor to any relief whatsoever.

KISHORI RAM, Presiding Officer

नई दिल्ली, 9 जून, 2015

का.आ. 1209.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार टेकनिका इंजीनियरिंग उद्यम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कोलकाता के पंचाट (संदर्भ सं. 65/2014) को प्रकाशित करती है जो केन्द्रीय सरकार को 08/06/2015 को प्राप्त हुआ था।

[सं एल-42011/75/2014-आईआर (डीयू)]

पी० के० वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 9th June, 2015

S.O. 1209.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. Reference No. 65/2014) of the Central Government Industrial Tribunal Cum Labour Court, Kolkata as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the M/s Tekanika Engineering Enterprise and their workmen, received by the Central Government on 08.06.2015.

[No. L-42011/75/2014-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 65 of 2014

Parties : Employers in relation to the management of M/s. Tekanika Engineering Enterprise

AND

Their workmen

Present : Justice Dipak Saha Ray, Presiding Officer

Appearance:

On behalf of the : Mr. Uttam Kumar Mondal, Ld.
Management Counsel for NTPC

None for M/s. Tekanika
Engineering Enterprise

On behalf of the : None.
Workmen

State: West Bengal

Industry: Thermal Power.

Dated: 1st June, 2015

AWARD

By Order No. L-42011/75/2014-IR(DU) dated 30.09.2014 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) of the industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

"(1) Whether the action of the management is justified by not covering 21 no. of workmen under the agreement of 26.11.2009 and paying them less wages is legal and/or justified? If not, what relief the workmen are entitled to? (2) Whether the action of the management is justified by adopting two types of wages namely 'norms' and 'non-norms' for performing same type of nature of work? If not, whether they are eligible for differential wages with retrospective date is legal and/or justified? If not, what relief the workmen are entitled to?"

2. When the case is taken up today for hearing, none appears either on behalf of the President, NTPC Contractors Labour Union or on behalf of the Proprietor, M/s. Tekanika Engineering Enterprise in spite of service of notice, though NTPC is represented by its Ld. Counsel. It appears from the record that the union at whose instance the present reference has been initiated is absent for three consecutive dates.

3. Considering the above facts and circumstances, it may reasonably be presumed that the union is not interested to proceed with the case further. So, no fruitful purpose will be served in keeping the matter pending.

4. In view of the above facts and circumstances, present reference is disposed of by passing a "No Dispute Award".

Justice DIPAK SAHA RAY, Presiding Officer

नई दिल्ली, 11 जून, 2015

का.आ. 1210.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर पूर्व रेलवे

के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 62/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/06/2015 प्राप्त हुआ था।

[सं० एल-41011/75/2014-आई आर (बी-1)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 11th June, 2015

S.O. 1210.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 62/2014) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure, in the industrial dispute between the management of North Eastern Railway and their workmen, which was received by the Central Government on 11/06/2015.

[No. L-41011/75/2014-IR(B-I)]

SUMATI SAKLANI, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, LUCKNOW

PRESENT :

RAKESH KUMAR, Presiding Officer

I.D. No. 62/2014

Ref. No. L-41011/75/2014-IR(B-I) dated: 09.10.2014

BETWEEN

Anchal Sangthan Secretary
Rail Sevak Sangh
C/o Shri D.P. Awasthi
49, Tilak Nagar Lucknow.
(Espousing cause of Sri Bhai Lal)

AND

1. Sr. Divisional Personnel Officer
North Eastern Railway
DRM Office, Ashok Marg,
Lucknow.
2. The Chief Medical Superintendent
North Eastern Railway
Gonda (UP)

AWARD

1. By Order No. L-41011/75/2014-IR(B-I) dated: 09.10.2014 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Anchal Sangthan Secretary, Rail Sevak Sangh, C/o Shri D.P. Awasthi, 49,

Tilak Nagar, Lucknow and Sr. Divisional Personnel Officer, North Eastern Railway, DRM Office, Ashok Marg, Lucknow & the Chief Medical Superintendent, North Eastern Railway, Gonda (UP) for adjudication.

2. The reference under adjudication is:

“क्या पूर्वोत्तर रेल प्रशासन, लखनऊ व गोंडा द्वारा श्री भाई लाल, सफाईवाला को पुरानी पेंशन न देकर नई पेंशन दिया जाना न्यायोचित एवं वैध है? यदि नहीं तो कामगार किस राहत को पाने का हकदार है?”

3. On receipt of the reference order the workman's union was issued registered notice to file his statement of claim complete with relevant documents, list of reliance and witnesses before Tribunal on 26.12.2014 with an advance copy to the opposite party. The Secretary of the workman's union appeared before this Tribunal and requested for a date for filing of statement of claim.

4. On successive dates the management also turned up. Since the case was related to grant of old pension scheme instead of new pension scheme, the parties were advised to settle the dispute amicably through Lok Adalat. Accordingly, the case was taken up at Lok Adalat on 08.05.2015.

5. On 08.05.2015, Shri D.P. Awasthi, Secretary of the workman's union was present whereas the opposite parties were represented by Shri Upendra Kumar Sharma, Chief Welfare officer.

6. The opposite party filed M-5, letter signed by Sri P.B. Prasad, Senior Divisional Personnel Officer, North Eastern Railway, Lucknow, enclosing circular No. 2012/F(E)III/I(i)/2 dated 29.10.2014 of the Railway Board. The management in letter M-5, referring circular dated 29.10.2014 has stated that the Railway Board, New Delhi vide their circular dated 29.10.2014 has directed to cover the employees who got temporary status prior to 01.01.2004 may be covered under Old Pension Scheme.

7. A copy of the M-5 was furnished to the workman's union. Shri D.P. Awasthi after going through the contents of letter, M-5 and circular dated 29.10.2014 showed willingness to withdraw the present industrial dispute being claim settled; and made an endorsement thereupon as under:

"Since the relief claimed by the Union is accepted by the Rly. management. Proceeding of case may kindly be dropped."

8. In view of the submission/endorsement of the workman's union for dropping of the proceedings, there is no grievance left with the workman's union as the present industrial dispute pertains to non-grant of old pension to the workman by the railway management and the management of the railway has granted the same vide

circular 2012/F(E)III/I(I)/2 dated 29.10.2014 of the Railway Board. Resultantly, the industrial dispute stands settled; and no relief is required to be given to the workman concerned. The reference under adjudication is answered accordingly.

9. Award as above.

LUCKNOW. RAKESH KUMAR, Presiding Officer
27th May, 2014.

नई दिल्ली, 11 जून, 2015

का.आ. 1211.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर पूर्व रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 61/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/06/2015 प्राप्त हुआ था।

[सं० एल-41011/74/2014-आई आर (बी-1)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 11th June, 2015

S.O. 1211.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 61/2014) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure, in the industrial dispute between the management of North Eastern Railway and their workmen, which was received by the Central Government on 11/06/2015.

[No. L-41011/74/2014-IR(B-I)]

SUMATI SAKLANI, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, LUCKNOW

PRESENT :

RAKESH KUMAR, Presiding Officer

I.D. No. 61/2014

Ref. No. L-41011/74/2014-IR(B-I) dated: 09.10.2014

BETWEEN

Anchal Sangthan Secretary
Rail Sevak Sangh
C/o Shri D.P. Awasthi
49, Tilak Nagar
Lucknow.
(Espousing cause of Sri Devanand)

AND

1. Sr. Divisional personnel Officer
North Eastern Railway

DRM Office, Ashok Marg,
Lucknow.

2. The Chief Medical Superintendent
North Eastern Railway
Gonda (UP)

AWARD

1. By Order No. L-41011/74/2014-IR(B-I) dated: 09.10.2014 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Anchal Sangthan Secretary, Rail Sevak Sangh, C/o Shri D.P. Awasthi, 49, Tilak Nagar, Lucknow and Sr. Divisional Personnel Officer, North Eastern Railway, DRM Office, Ashok Marg, Lucknow & the Chief Medical Superintendent, North Eastern Railway, Gonda (UP) for adjudication.

2. The reference under adjudication is:

“क्या पूर्वोक्त रेल प्रशासन, लखनऊ व गोंडा द्वारा श्री देवानंद, सफाईवाला को पुरानी पेंशन न देकर नई पेंशन दिया जाना न्यायोचित एवं वैध है? यदि नहीं तो कामगार किस राहत को पाने का हकदार है?”

3. On receipt of the reference order the workman's union was issued registered notice to file his statement of claim complete with relevant documents, list of reliance and witnesses before Tribunal on 26.12.2014 with an advance copy to the opposite party. The Secretary of the workman's union appeared before this Tribunal and requested for a date for filing of statement of claim.

4. On successive dates the management also turned up. Since the case was related to grant of old pension scheme instead of new pension scheme, the parties were advised to settle the dispute amicably through Lok Sadalat. Accordingly, the case was taken up at Lok Adalat on 08.05.2015.

5. On 08.05.2015, Shri D.P. Awasthi, Secretary of the workman's union was present whereas the opposite parties were represented by Shri Upendra Kumar Sharma, Chief Welfare Officer.

6. The opposite party filed M-5, letter signed by Sri P.B. Prasad, Senior Divisional Personnel Officer, North Eastern Railway, Lucknow, enclosing circular No. 2012/F(E)III/I(I)/2 dated 29.10.2014 of the Railway Board. The management in letter M-3, referring circular dated 29.10.2014 has stated that the Railway Board, New Delhi vide their circular dated 29.10.2014 has directed to cover the employees who got temporary status prior to 01.01.2004 may be covered under Old Pension Scheme.

7. A copy of the M-3 was furnished to the workman's union. Shri D.P. Awasthi after going through the contents

of letter, M-3 and circular dated 29.10.2014 showed willingness to withdraw the present industrial dispute being claim settled; and made an endorsement thereupon as under:

"Since the relief claimed by the Union is accepted by the Rly. management. The further proceeding of case may kindly be dropped."

8. In view of the submission/endorsement of the workman's union for dropping of the proceedings, there is no grievance left with the workman's union as the present industrial dispute pertains to non-grant of old pension to the workman by the railway management and the management of the railway has granted the same *vide* circular 2012/F(E)III/I(I)/2 dated 29.10.2014 of the Railway Board. Resultantly, the industrial dispute stands settled; and no relief is required to be given to the workman concerned. the reference under adjudication is answered accordingly.

9. Award as above.

LUCKNOW. RAKESH KUMAR, Presiding Officer
18th May, 2015.

नई दिल्ली, 11 जून, 2015

का.आ. 1212.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मीथिला क्षेत्रीय ग्रामीण बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम नयायालय-1, लखनऊ के पंचाट (संदर्भ संख्या 6/1993) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/06/2015 को प्राप्त हुआ था।

[सं० एल-12011/41/1992-आई आर (बी-1)]
सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 11th June, 2015

S.O. 1212.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 6/1993) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of Mithila Kshetriya Gramin Bank and their workmen, received by the Central Government on 11/06/2015.

[No. L-12011/41/1992-IR(B-I)]
SUMATI SAKLANI, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

In the matter of reference U/S 10(1)(d)(2A) of I.D. Act, 1947.

Reference: No. 06/1993

Employer in relation to the management of Mithila
Kshetriya Gramin Bank, Darbhanga

AND

Their Workmen.

Present : Sri R.K. Saran, Presiding Officer

Appearances:

For the Employees : None

For the workman : None

State : Jharkhand

Industry : Bank

Dated: 12/5/2015

AWARD

By order No. L-12011/41/1992-IR (B-3) dated 23/12/1992, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

"Whether the action of the management of Mithila Kshetriya Gramin Bank, Darbhanga in reducing the Cashier In charge Allowance from Rs. 488 Rs. 316 per month to Rs. 189 per month with effect from 01/01/1991 was justified? If not, to what relief(s), the workmen are entitled to?"

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently. Case remain pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R.K. SARAN, Presiding Officer

नई दिल्ली, 11 जून, 2015

का.आ. 1213.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दक्षिण पूर्व रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम नयायालय, जबलपुर के पंचाट (संदर्भ संख्या 229/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/06/2015 को प्राप्त हुआ था।

[सं० एल-41012/97/92-आई आर (बी-1)]
सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 11th June, 2015

S.O. 1213.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the award (Ref. No. 229/93) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of S.E. Railway and their workmen, received by the Central Government on 11/06/2015.

[No. L-41012/97/92-IR(B-I)]
SUMATI SAKLANI, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/LC/R/229/93

Late Shri Sant Ram,
Ex-Pointman, SE Railway Colony,
PO Gevra, Distt, Bilaspur

LR-

Shri Debi Ram Kashyap, S/o Late Santram,
Porter, Railway Station Naila,
Distt. Janjgir Champa ...Workman

Versus

Divisional Railway Manager,
SE Railway,
Bilaspur ...Management

AWARD

Passed on this 13th day of May, 2015

1. As per letter dated 20-22/10/93 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D. Act, 1947 as per Notification No. L-41012/97-92-IR(DU). The dispute under reference relates to:

"Whether the action of the DRM, SE Railway, Bilaspur is justified in removing from service of Shri Sant Ram, Ex Pointman *vide* order No. ESE/OPTG/37 dated May, 1977? If not, to what relief the workman concerned is entitled to?"

2. After receiving reference, notices were issued to parties. Ist party workman submitted of claim at Page 3/1 to 3/4. Case of Ist party workman is that he was employed by Non-applicant appointing him as porter from 14-9-48. He was retired on 30-9-89. At the time of his retirement, he was working as pointsman at Kothari Road Station in Bilaspur. He further submits that while he was in service of IInd party, he was falsely implicated for theft of coal in the year 1970. He was placed under suspension. In criminal Case No. 1989/70, ADM(J) Bilaspur found him not guilty. Workman was discharged on 10-11-1972. The state filed a criminal revision in the case before the District and

Session Judge, Bilaspur. The revision was dismissed on 12-2-1973. That workman was not taken on duty from 1-4-1970. Despite he handed over copies of the judgements to IInd party No. 3, that he was available and willing to perform his duties. He was kept away from duty without any reasons. IInd party No. 3, issued chargesheet of major penalty dated 31-8-77. Enquiry was held to the charges against him. Charges were not proved. IInd party No. 3 did not take action on the enquiry report. He himself held that charges were proved. There was no material fact before IInd party No. 3 Disciplinary authority to hold that charges are proved. No reasons were given for reaching such decision. IInd party issued showcause notice dated 20-9-77. Reply given by workman was not considered. Without any material on record, IInd party No. 3 issued notice for removal from service dated 8-11-77. Workman was removed from service from 28-11-77 from post of pointsman.

3. Ist party workman reiterates that his removal is illegal. Workman was allowed to join duty from 28-12-77. He was retired from 11-10-89. He was not allowed actual benefits for the period 14-9-48 to 27-12-77 in violation of principles of natural justice. On such ground, workman prays that order of his removal be quashed. IInd party be directed to settle the retiral dues considering his service from 14-9-48 to 30-9-89. That IInd party be directed to pay wages for the period 1-9-70 to 27-12-77.

4. IInd party filed Written Statement opposing claim of the workman at Page 4/1 to 4/8. Case of IInd party is that workman was initially appointed on 21-1-1957. His appointment on 14-9-48 is denied. Workman was removed from service as per order dated 8-11-77 imposing punishment for unauthorized absence. After appeal preferred by workman, he was re-appointed as fresh candidate from 28-12-77. The retirement of workman from 30-9-89 is not disputed. The averments of workman w.r.t. his involvement in theft case was not brought to the notice of IInd party. Police Authority or workman himself did not disclose this fact to the management. The material facts were suppressed about alleged incident of theft. IInd party claims ignorance about prosecution of workman in criminal case before AGM(J) Bilaspur. It is reiterated that chargesheet was issued to workman for unauthorized absence for the period 1-4-70 to 22-4-70. The Discipline and Appeal proceeding started in 1976 for charges of unauthorised absence. Rest of the allegations of workman are denied. W.r.t. revision filed by State dismissed on 12-2-73, IInd party contents the documents in that regard are not available. IInd party reiterates that in enquiry conducted against workman for unauthorized absence Enquiry Officer submitted report that charges are not proved. The authority not agree with the findings of Enquiry Officer. The Disciplinary Authority held that charges of unauthorised absence against workman are

proved after issuing showcause notice. Punishment of removal was imposed against workman. In appeal, the workman was re-appointed. The order of removal was not set-aside. There was not question of giving retiral benefit to the workman from 14-9-48 to 30-9-89. It is submitted that workman was not appointed in the year 1948 rather he was appointed on 21-1-1957. As punishment of removal was imposed against workman, he is not entitled to retirement benefits prior to his period of his re-appointment. On such ground, IInd party prays for rejection of claim.

5. Workman submitted rejoinder at Page 5/1 to 5/2. Workman submits that he was prosecuted by Railway Protection Force Department, copy of judgement was received by IInd party on 29-3-76. He was unauthorisely absent from 22-3-1970 to 28-12-77. Enquiry Report itself support his contentions. The Disciplinary Authority has disagreed with the findings of the Disciplinary Authority that the charges are not proved against workman.

6. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:—

- | | | |
|------|--|-----------------------|
| (i) | Whether the action of the
DRM, SE Railway, Bilaspur is
justified in removing from service
of Shri Sant Ram, Ex Pointman
is legal and proper? | In Negative |
| (ii) | If not, what relief the
workman is entitled to?" | As per final
order |

REASONS

7. The term of reference relates to legality of removal from service of Ist party workman. As per Para-6, 7 in statement of claim, chargesheet was issued to workman on 31-8-77. That charges were found not proved. The Disciplinary Authority not agreed with the findings of Enquiry Officer and held that the charges are proved, the punishment of removal from service was imposed. Case was not fixed for evidence of workman. The ordersheet shows that the case was fixed for argument since 2-6-2003. Workman died during pendency and his LRs are brought on record around 20-4-06. The case was repeatedly adjourned for many years for argument. The record shows issues were framed on 23-8-95. (1) Whether enquiry was just and proper, (2) whether management is entitled to lead evidence, (3) whether the charges of misconduct are proved on facts of the case, (4) whether the punishment awarded is proper and legal & (5) Relief and costs. As discussed above, the issue about legality of enquiry was not decided. Workman died during pendency. His LRs are brought on record. Evidence of parties is not recorded. However documents are produced by IInd party.

Note Page 6/2 reads "I have gone through the explanation to the showcause notice. There is no new point raised by the party which merits consideration. He has not made any attempt to advise the Railway Administration of the facts, neither met any officer nor made direct representation nor has any documentary proof of having communicated with the Railway Administration. He had evidently no intention of resuming duty. Under the circumstances, I hold that the proposed penalty of removal from service should hold good.

Document at Page 6/3 is copy of letter given by workman to Divisional Operating Suptd., SE Railway, Bilaspur dated 10-10-77. The poor worker who were unnecessarily put to harassment by court case but I have been finally exonerated from the charges. Out of my ignorance, I did not keep any record of any correspondence with the administration. I had complete confidence on the Station Master and I was in fact, guided by him and since I was not taken back on duty by Station Master, I did not deem it necessary to approach the administration in any other matter, since to my eyes, station master was the representative of the administration. As a matter of fact, I was waiting for communication from Station Master which was not forthcoming. It is only when I was exonerated by the Court that-I approached DOS/ Bilaspur with the copy of the Court's judgment requesting him to take me back on duty.

If I have remained absents from duty, it is only because of my ignorance and complete confidence on the station master who failed to intimate me the true position nor did he give me correct guidance.

Document P-6/4 is note dated 26-9-77 submitted by Divisional Operating Supdt. Se Railway, Bilaspur. This starts with I do not agree with the findings of the Enquiry Officer. The delinquent is clearly in the habit of absconding from duty from time to time. After his arrest and release on bail, delinquent had worked for some days. At a certain point of time thereafter the delinquent was not taken on duty by the Station Master who referred his case to the Divisional Office for decision. Prima facie it would appear that the delinquent could have been on duty but for the refusal of the station master to take him back and or the negligence of the Divisional office in communicating decision to the station master. However further analysis of the case will reveal that the delinquent has actually preferred to remain absent. For all these days till he turned up with a copy of the court's judgment there was no trace of him. There is no evidence on record nor any communication which would show that the delinquent had made any attempt to advise the Railway Administration of the facts, except that on a very distant past, he had met the Station Master and might have been made enquiries about his case, after which he disappeared from the scene. He has never met any Officer nor made any direct representation nor has any documentary proof of

having communicated with the Railway Administration to finalise his case of not being taken back on duty. Clearly he had no intention of resuming duty. Now that the court has exonerated him the delinquent has sought to put the blame of his absence on the so called negligence of the Railway Administration and its agents.

I therefore held that his absence was willful and therefore wholly unauthorized and that the charges have been proved.

Document at Page 6/5 is copy of letter sent by workman to Divisional Supdt. S.E Railway, Bilaspur. Para-2 of the letter states that workman has written that he was appointed in 1957. He completed 20 years service with the administration. He was removed from service for unauthorized absence, he was helpless. He has requested to consider his case and given him chance to work as leverman as a fresh appointment when he would be eke out his livelihood and maintain his family.

Document at Page 6/6 is office note by Sr. Divisional Optd. Supdt. The notes that I have been gone through the mercy appeal of Sri Santram for re-appointment. He appears to have been reported longback to the station master for taking him back on duty but the Station Master had then made a reference to the Sr. DPO for orders to take him back. This unfortunately was not replied. Shri Santram thinking that he would have to report on duty subsequently when called by the office waited for a very long period. In the meantime he got acquittal in the court case and then reported to the Divisional Office with the judgment of the Court.

While removal from service was in order, keeping in view the unauthorized absence for a period of about 7 years, I feel that in view of his satisfactory service, and acquittal in the court case, he may be re-appointed as a pointsman.

8. Document 7/2 is copy of document 6/4 discussed supra holding workman's absence was wholly unauthorized.

9. Document 7/3 is copy of report of Enquiry Officer. Enquiry Officer held unauthorized absence of worker from August 1970 to April 76 was not proved. Document 7/4 to 7/6 is copy of the judgment in criminal case by Chief Judicial Magistrate, Bilaspur. Workman was accused No. 15. All accused were acquitted.

10. Counsel for workman submitted written notes at Page 8 that enquiry was initiated. The record of Enquiry Proceedings is not produced. Therefore legality of enquiry could not be decided separately. However documents discussed above shows that Ist party workman had approached Station Master. As workman was prosecuted in criminal case, he attended duty for period. The station master had not allowed him on duty. Those aspects were not considered by the Disciplinary Authority while imposing punishment of removal from service. Documents 6/4 produced on record by IInd party itself shows the

delinquent could have been on duty but for refusal of Station Master and referred his case to the Divisional Office, punishment of removal from service is not justified. The past service of workman from 1957 to 8-11-77 was also overlooked by the authority while imposing punishment of removal. The circumstances discussed above points out that the punishment of removal imposed against workman is excessive and disproportionate to the charges of unauthorized absence. In the circumstances, punishment of removal from service deserves to be modified to punishment of compulsory retirement. Consequently workman deserves to be allowed retiral benefits from date of initial appointment to his date of order of removal 8.11.77. The claim for wages from 1970 to 1977 by workman cannot be allowed as per statement of workman himself that he was not working during the above period. On principles of no work no pay, claim of workman for the wages cannot be upheld. For above reasons, I record my finding in Point No. 1 in Negative.

11. In the result, award is passed as under:—

- (1) The action of the management is not legal and proper.
- (2) Punishment of removal from service is modified to punishment of compulsory retirement IInd party is directed to consider service period of Ist party workman from 1957 to 8.11.77 for the purpose of retiral benefits and fix his retiral benefits. The amount of retiral benefits as per above order be paid to LR's of deceased workman within 2 months from date of award.

R. B. PATLE, Presiding Officer

नई दिल्ली, 11 जून, 2015

का.आ. 1214.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार वैशाली क्षेत्रीय ग्रामीण बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद के पंचाट (संदर्भ संख्या 66/1993) को प्रकाशित करती है जो केन्द्रीय सरकार को 11/06/2015 को प्राप्त हुआ था।

[सं एल-12012/198/1992-आईआर(बी-1)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 11th June, 2015

S.O. 1214.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 66/1993) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the Industrial Dispute between the management of Vailshali Kshetriya Gramin Bank and their workman, received by the Central Government on 11/06/2015.

[No. L-12012/198/1992-IR(B-I)]

SUMATI SAKLANI, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
No.1, DHANBAD**

In the matter of reference U/s 10(1) (d) (2A) of
I.D. Act 1947

Reference No. 66/1993

Employer in relation to the management of Vaishali
Kshetriya Gramin Bank

AND

Their workmen

Present :

Sri R.K. SARAN, Presiding Officer

Appearances:

For the Employers : Sri R.R. Prasad Advocated

For the workman : None

State: Jharkhand

Industry : Bank

Dated 11/5/2015

AWARD

By order No. L-12012/198/1992-IR(B-3) dated 12/02/1993, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

"Whether the action of the management of Vaishali Kshetriya Gramin Bank in terminating the service of Shri Anand Bihari *w.e.f* 10.03.1992 is legal and justified? If not, to what relief the workman is entitled to and from what date?"

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently. Case remain pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 11 जून, 2015

का.आ. 1215.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अरूनाकुलम के पंचाट (संदर्भ संख्या 7/2012) को प्रकाशित करती है जो केन्द्रीय सरकार को 11/06/2015 को प्राप्त हुआ था।

[सं एल-12025/01/2015-आईआर(बी-1)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 11th June, 2015

S.O. 1215.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 7/2012) of the Ernakulam as shown in the Annexure in the Industrial Dispute between the management of State Bank of India and their workman, received by the Central Government on 11/06/2015.

[No. L-12025/01/2015-IR(B-I)]

SUMATI SAKLANI, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
ERNAKULAM**

Present: Shri D. Sreevallabhan, B.Sc., L.L.B.
Presiding Officer

(Friday the 15th day of May, 2015/25th Vaisakha, 1937)

ID 7/2012

Petitioner : Smt. Prabha Rajan
W/o Shri Rajan
Veluthedath House
Old St. Augustine Road
Kochi-682018
By M/s. HB Shenoy Associates

Respondent : The General Manager
State Bank of India
Local Head Officer
S S Kovil Road, Thampanoor
Thiruvananthapuram-695001
By M/s George Thomas Mevada &
Associates

This case coming up for final hearing on 30.04.2015 and this Tribunal-cum-Labour Court on 15.05.2015 passed the following:

AWARD

As the conciliation proceeding in respect of the industrial dispute raised by the petitioner claiming to be the workman of the management bank ended in failure and without reference she filed this petition under Section 2A (2) of the Industrial Disputes Act, 1947.

2. The allegations in the petition, in brief, are that the workman was employed in the subordinate cadre in the services of the management bank as a Peon at its Lissie Hospital Branch at Ernakulam in the year 1993. Ever since she had been employed continuously and regularly against the regular and permanent vacancy unit the termination of her service on 01.01.2011 orally by the Branch Manager. Aggrieved by the termination of her service she had raised an industrial dispute by submitting

an application to the Assistant Labour Commissioner (Central), Kochi on 14.02.2011. Pursuant to the filing of that application the Regional Labour Commissioner (Central), Kochi, who is also the Conciliation Officer, convened conciliation proceedings in the dispute. But it ended in failure on 23.12.2011. Hence she filed this petition before this Tribunal challenging the legality and justifiability of the action of the management in terminating her services *w.e.f.* 01.01.2011. The termination of her service amount to retrenchment and the same was effected in violation of Section. 25F, 25G and 25H of the Industrial Disputes Act, paragraphs 493, 507, 522, 523 and 524 of the Sastry Award. Management was in the continuous habit of employing workmen as temporaries against permanent vacancy one after another and retrenching them by employing new hands in the same way violating the statutory provisions in Awards and Bipartite Settlements. It amounts to unfair labour practice prohibited under Section 25T of the Industrial Disputes Act and violative of paragraphs 20.7 and 20.8 of First Bipartite Settlement and also paragraphs 495 and 522 of Sastry Award. The termination is illegal, unjust and void and hence she is to be reinstated in service with full back wages, continuity of service and other attendant benefits.

3. Management filed written statement denying the allegations as to her employment in the management bank and the termination of her service on 01.01.2011. It is further contended that she was never been an employee of the management bank and there was no master and servant relationship between her and the management. She was not in the pay roll of the management. The recruitment and employment of subordinate cadre employees is done strictly in accordance with the procedure laid out by the management from time to time. She was never employed or engaged as a subordinate staff of the management. As she was never in the service the question of termination or retrenchment does not arise at all. She had raised an industrial dispute against the management by submitting conciliation application on 14.02.2011 to the Assistant Labour Commissioner (Central), Kochi. The conciliation proceedings ended in failure as she was not an employee in the Lissie Hospital Branch of the management at any point of time. There was no question of any termination by complying with the procedure provided under Section 25F of the Industrial Disputes Act. There is no question of payment of compensation to her. Since she was not at all a workman the issue of violation of the provisions of Sastry Award does not arise. She used to supply tea to the members of the staff. The supply of tea, maintenance of library etc. are monitored and controlled by the Local Implementation Committee constituted by the staff of the Lissie Hospital Branch. It is an independent private body formed in the branch and it has nothing to do with the management. It is not an industry. It has got the freedom to engage any

person to execute their works. The management has no responsibility or say in the matter. Management is not conducting any statutory canteen in that branch and there is no such requirement under any status. The persons so engaged are not entitled to claim regularisation as an employee in the services of the management bank. The workman is one such person and hence she cannot claim absorption as an employee of the management or claim any right or privilege as a workman. The discontinuation of her temporary service by the Local Implementation Committee shall have no bearing at all on the management. The provisions of clause 20.12 of the First Bipartite Settlement dated 19.10.1966 have no relevance in the matter. The claim made by her is legally and factually unsustainable and hence she is not entitled to any relief.

4. Workman filed replication denying the contentions in the written statement and reiterating the allegations in the petition.

5. For the purpose of deciding this ID the workman was got herself examined as WWI. No documentary evidence was adduced from her side. On the side of the management one witness was examined as MWI and Exts. M1 to M30 were marked. After closing the evidence arguments for both sides were heard.

6. The points for determination are :

- (i) Whether the workman was employed at any time against any regular and permanent vacancy in the Lissie Hospital Branch of the management bank?
- (ii) Whether she was illegally terminated on 01.01.2011 by the Management in violation of Section 25F of the Industrial Disputes Act, 1947 as alleged in the claim statement?
- (iii) To what relief, if any, the workman is entitled to?

7. Point No. (i): It is the case of the workman that she was employed as a peon in the subordinate cadre in the Lissie Hospital Branch of the management bank in the year 1993 and ever since she had been employed continuously and regularly against the regular and permanent vacancy. Since the management would deny her employment as such the burden is on her to prove that she was employed by the management as alleged by her.

8. At the very outset it is to be pointed out that there is absolutely no reliable evidence in this case to prove her engagement as a peon in the services of the management bank. There is no order of appointment or any other document to prove the same. The workman during her cross examination when examined as WWI has stated that there is no document in her possession to prove that she was employed in the Lissie Hospital branch of the management bank. The version given by her during her cross examination that she had worked there only in leave vacancy of peon would also disprove the case put

forward by her that she was continuously engaged against a regular and permanent vacancy.

9. There is a prescribed procedure for appointment in a permanent vacancy. Workman has no case that she was employed after observing any such procedure. Exts. M1 to M30 will also go to show that she was not employed as a permanent/temporary subordinate staff in the management bank. Regarding the payment of wages contradictory version was given by her during her examination. In para 5 of the proof affidavit it is averred that she was paid wages regularly on weekly basis on Saturdays. During her cross examination it was stated by her that the wages was paid on montly basis and payment of weekly wages was made only at times.

10. According to the management she was engaged by the Local Implementation Committee in the canteen in the Lissie Hospital branch. During her cross examination WWI also would admit that she was preparing tea and hot water for drinking in the canteen. During the cross examination of MWI there was an attempt to bring out that the canteen was run by the management bank. No such case was put forward by the workman in her pleadings. The management has got a specific case that the canteen run by the Local Implementation Committee is an independent private body formed in the branch and it is having no connection with the management bank. There is no case for the workman that it is a statutory canteen run by the management. The engagement in the canteen by the Local Implementation Committee cannot be said to be on behalf of the management.

11. There is no reliable evidence in this case to prove that she was continuously employed in the services of the management bank against a regular and permanent vacancy to do regular and permanent nature of duties from the year 1993 as alleged in the claim statement. Hence it cannot be held that she was employed in the service of the management at any point of time.

12. **Point No. (ii):**—It is the case of the workman that she was illegally terminated on 01.01.2011 by the management in violation of Section 25F of the Industrial Disputes Act. It has come out in evidence that she was engaged in the canteen by the Local Implementation Committee of the management bank. She has no case either in the pleadings or during the course of her examination that she was engaged as a casual labour by the management bank. Even if she was engaged as a casual labour at any time in the services of the management bank that will not enable her to claim that she is liable to be terminated without complying with the procedure under Section 25F of the Industrial Disputes Act in the absence of any proof as to her engagement continuously for a period of one year or for 240 days in the year preceding the date of termination. There is absolutely no evidence in this case to prove the same.

The burden to prove the same is on the workman and the same was not discharged by adducing any convincing evidence. The documents sought to be produced will also not help her to prove that there was continuous engagement for 240 days in the year preceeding the date of termination. Workman has failed to prove that she was employed in the services of the management bank as alleged by her and that she was illegally terminated by the management without complying with the procedure under Section 25F of the Industrial Disputes Act.

13. **Point No. (iii):**—In the result an award is passed holding that the workman was not employed by the management bank in the Lisie Hospital Branch and was not illegally terminated and hence she is not entitled to any relief.

The Award will come into force one month after it publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 15th day of May, 2015.

D. SREEVALLABHAN, Presiding Officer

APPENDIX

Witness for the workman

WW1 23.12.2014 Smt. Prabha Rajan

Witness for the management

MW1 03.03.2015 Shri C.J. Roy

Exhibits for the workman NIL

Exhibits for the management

- | | | |
|----|---|--|
| M1 | — | Copy of the relevant pages in the ledger for Establishment Charges of the Lisie Hospital Branch of the management bank as to the month of January, 1993 |
| M2 | — | Copy of the relevant pages in the ledger for Establishment Charges of the Lisie Hospital Branch of the management bank as to the month of February, 1993 |
| M3 | — | Copy of the relevant pages in the ledger for Establishment Charges of the Lisie Hospital Branch of the management bank as to the month of January, 1994 |
| M4 | — | Copy of the relevant pages in the ledger for Establishment Charges of the Lisie Hospital Branch of the management bank as to the month of February, 1994 |
| M5 | — | Copy of the relevant pages in the ledger for Establishment Charges of the Lisie Hospital Branch of the management bank as to the month of January, 1995 |

M6	—	Copy of the relevant pages in the ledger for Establishment Charges of the Lisie Hospital Branch of the management bank as to the month of February, 1995	M19	—	Hospital Branch of the management bank as to the month of February, 2001
M7	—	Copy of the relevant pages in the ledger for Establishment Charges of the Lisie Hospital Branch of the management bank as to the month of January, 1996	M20	—	Copy of the relevant pages with the entries as to the subscriptions to the State Bank Employees' Provident Fund & Pension Fund for the month of January, 2002
M8	—	Copy of the relevant pages in the ledger for Establishment Charges of the Lisie Hospital Branch of the management bank as to the month of February, 1996	M21	—	Copy of the relevant pages with the entries as to the subscriptions to the State Bank Employees' Provident Fund & Pension Fund for the month of September, 2003
M9	—	Copy of the relevant pages in the ledger for Establishment Charges of the Lisie Hospital Branch of the management bank as to the month of January, 1997	M22	—	Copy of the relevant pages with the entries as to the subscriptions to the State Bank Employees' Provident Fund & Pension Fund for the month of February, 2004
M10	—	Copy of the relevant pages in the ledger for Establishment Charges of the Lisie Hospital Branch of the management bank as to the month of February, 1997	M23	—	Copy of Memorandum dated 23.03.2005 issued by the State Bank of India, Lisie Hospital Branch to Personnel Section, State Bank of India, Zonal Office, Ernakulam as to Imperial Bank of India Employees Provident & Guarantee Funds for the month of March, 2005.
M11	—	Copy of the relevant pages in the ledger for Establishment Charges of the Lisie Hospital Branch of the management bank as to the month of January, 1998	M24	—	Copy of the relevant pages with the entries as to the subscriptions to the State Bank Employees' Provident Fund & Interest for the month of August, 2006
M12	—	Copy of the relevant pages in the ledger for Establishment Charges of the Lisie Hospital Branch of the management bank as to the month of February, 1998	M25	—	Copy of the pay sheet of salaries and allowances for the month of July, 2005
M13	—	Copy of the relevant pages in the ledger for Establishment Charges of the Lisie Hospital Branch of the management bank as to the month of January, 1999	M26	—	Copy of the relevant pages of the Salary Register of State Bank of India, Lisie Hospital Branch for the month of January, 2002
M14	—	Copy of the relevant pages in the ledger for Establishment Charges of the Lisie Hospital Branch of the management bank as to the month of February, 1999	M27	—	Copy of the relevant pages of the Salary Register of State Bank of India, Lisie Hospital Branch for the month of February, 2007
M15	—	Copy of the relevant pages in the ledger for Establishment Charges of the Lisie Hospital Branch of the management bank as to the month of January, 2000	M28	—	Copy of the relevant pages of the Salary Register of State Bank of India, Lisie Hospital Branch for the month of August, 2007
M16	—	Copy of the relevant pages in the ledger for Establishment Charges of the Lisie Hospital Branch of the management bank as to the month of February, 2000	M29	—	Copy of the relevant pages of the Salary Register of State Bank of India, Lisie Hospital Branch for the month of June, 2008
M17	—	Copy of the relevant pages in the ledger for Establishment Charges of the Lisie Hospital Branch of the management bank as to the month of January, 2001	M30	—	Copy of the computer printout of salary register of State Bank of India, Lisie Hospital Branch for the month of August, 2009
M18	—	Copy of the relevant pages in the ledger for Establishment Charges of the Lisie Hospital Branch of the management bank as to the month of January, 2001			Copy of the computer printout of salary register of State Bank of India, Lisie Hospital Branch for the month of December, 2010

नई दिल्ली, 11 जून, 2015

का.आ. 1216.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ़ त्रावनकोर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अरूनाकुलम के पंचाट (संदर्भ संख्या 3/2015) को प्रकाशित करती है जो केन्द्रीय सरकार को 11/06/2015 को प्राप्त हुआ था।

[सं० एल-12012/61/2014-आईआर(बी-1)]
सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 11th June, 2015

S.O. 1216.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 3/2015) of the Central. Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure in the Industrial Dispute between the management of State Bank of Travancore and their workman, received by the Central Government on 11/06/2015.

[No. L-12012/61/2014-IR(B-I)]
SUMATI SAKLANI, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present :

Shri D. Sreevallabhan, B.Sc., LL.B, Presiding Officer
(Thursday, the 21st day of May, 2015/31st
Vaisakha, 1937)

ID 3/2015

Workman : Smt. Sheeba Glory
Chandanavila
Velimon PO
Kundara
Kollam (Kerala)-691511
By Adv. Shri R. Lekshmana Iyer

Management : The Deputy General Manager
State Bank of Travancore
Zonal Office, Poojappura
Trivandrum

This case coming up for final hearing on 21.05.2015 and this Tribunal-cum-Labour Court on the same day passed the following:

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the

Industrial Disputes Act, 1947 (14 of 1947), the Government of India/Ministry of Labour *vide* Order No.-L-12012/61/2014-IR(B-I) dated 31.12.2014 referred the industrial dispute scheduled thereunder for adjudication to this tribunal.

2. The dispute is:

"Whether the action of the management of M/s. State Bank of Travancore in removing Smt. Sheeba Glory from its services before she attained the age of superannuations is fair and justifiable. If not, what relief she is entitled to?"

3. After receipt of summons workman entered appearance but did not file any claim statement in spite of granting adjournments. Afterwards the workman remained absent. Management also remained absent. Hence it can be treated that there exists no dispute and so a 'no dispute award' is passed in this case.

4. Reference is answered accordingly.

The award will come into force one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 21st day of May, 2015.

D. SREEVALLABHAN, Presiding Officer

नई दिल्ली, 11 जून, 2015

का.आ. 1217.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुम्बई के पंचाट (संदर्भ संख्या 50/2007) को प्रकाशित करती है जो केन्द्रीय सरकार को 11/06/2015 को प्राप्त हुआ था।

[सं० एल-12012/115/2007-आईआर(बी-1)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, 11th June, 2015

S.O. 1217.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 50/2007) of the Central. Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai as shown in the Annexure in the Industrial Dispute between the management of State Bank of India and their workmen, received by the Central Government on 11/06/2015.

[No. L-12012/115/2007-IR(B-I)]

SUMATI SAKLANI, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2 MUMBAI****Present**

K.B. Katake
Presiding Officer

Reference No. CGIT-2/50 of 2007**Employers in relation to the management of State
Bank of India**

The Chief General Manager
State Bank of India, Local Head Office
Synergy, Plot No. C-6, G Block
Bandra Kurla Complex (PB No. 8123)
Bandra (E)
Mumbai-400051.

AND**Their Workmen**

The Dy. General Secretary
State Bank of India Staff Union (Mumbai Circle)
Synergy, Plot No. C-6, G Block
Bandra Kurla Complex PB No. 8123
Bandra (E)
Mumbai-400051.

Appearances:

For the Employer : Mr. M.G. Nadkarni,
Advocate.
For the Workmen : Mr. Abhay Kulkarni
Advocate.

Mumbai, dated the 8th April 2015.

AWARD PART-II

The Government of India, Ministry of Labour & Employment by its Order No. L-12012/115/2007-IR(B-I), dated 10.10.2007 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of State Bank of India in dismissing Shri P.K. Prasad, Assistant (Cash/Accounts) from the service *vide* order dated 24/06/2006 is legal, proper, justified and in proportionate to the magnitude of misconduct? If not, to what relief the concerned workman is entitled?"

2. The second party workman was the employee of the first party Bank. It was alleged that the second party workman had made false and fraudulent credit entry of

Rs. 93,313/- in the account of one of the customer of the Bank. It is also alleged that the workman has withdrawn an amount of Rs. 50,000 from the said account on 5/8/2003. When inquiry was started by the official of the Bank, the workman confessed that he had fraudulently credited the amount in the S.B. A/C of Mr. Gama Bind and had withdrawn Rs. 50,000 from the said account. He has given letter to that effect to the Branch Manager. For the said fraud and misappropriation the workman was suspended. Domestic inquiry was held against him. He was held guilty and on the basis of report of I.O. the disciplinary authority terminated the services of the workman. The workman raised industrial dispute. As conciliation failed, on report of ALC © the Central Labour Ministry sent the reference to this Tribunal. In Award Part-I, the inquiry was held fair and proper and the findings of the Inquiry Officer are declared not perverse and the parties were directed to argue or lead evidence on the point of quantum of punishment.

3. In this Part-II Award following are the remaining issues for my determination. I record my findings thereon for the reasons to follow:

Sl. No.	Issues	Findings
3.	Whether the punishment of dismissal is shockingly disproportionate to the proved misconduct?	Yes.
4.	Whether the workman is entitled to be reinstated in the service with full back-wages as prayed for?	No.
5.	What order?	As per final order.

REASONS**Issues No. 3:**

4. According to the workman his confessional statement was written under the direction official Mr. Phansekar. It is further submitted that the workman has sent letter of retracting his alleged confessional statement and the witness of the Bank has admitted the same. In the circumstances the workman submits that the punishment of termination is shockingly disproportionate. It is further submitted on behalf of the workman that as his services were terminated, he and his family member suffered grave hardship and financial losses. He could not get any other service due to the stigma on his career. Currently workman is residing at Patna with his brother. His annual income is merely 96,000/-. He is in dire need of the job to support himself and his family. Therefore he prays that Bank be directed to reinstate him with full back wages.

5. As against this it was submitted on behalf of the first party that the workman is found guilty by the Inquiry Officer for the alleged charges of fraud. The inquiry was held fair and proper and findings of the I.O. were also declared not perverse. In the circumstances it was submitted on behalf of the first party that the point of retracted confession needs no consideration. According to him confession was by free will and voluntary. Furthermore it was consistent to the entries in the account books and the circumstances on record. Therefore the Inquiry Officer rightly relied thereon and held the workman guilty. Therefore this Tribunal also in Part-I Award declared that the findings of the I.O. as not perverse.

6. In this respect Ld. Adv. for the first party submitted that the workman was the employee of a Bank and supposed to work honestly with due diligence and integrity and dishonest person should not be allowed to work in the Banking field. In support of his argument the Ld. Adv. resorted to Apex Court ruling in **Union Bank of India V/s Vishwamohan (1998) 4 SCC 310** wherein on the point Hon'ble Court observed that;

"It needs to be emphasized that in the banking business absolute devotion, diligence, integrity and honesty need to be preserved by every bank employee and in particular the bank Officer. If this is not observed, the confidence of the public depositors would be impaired."

7. The Ld. Adv. further submitted that, no leniency can be shown in such type of fraud, misappropriation and corruption. In support of his argument Ld. Adv. relied upon Apex Court ruling in **Municipal Corporation Bharadurgarh V/s. Krishnan Bihari and Ors. AIR 1996 SC 1249** wherein on the point in para 4 of the judgment the Hon'ble Court observed that;

"... in case involving corruption there cannot be any other punishment than dismissal. Any sympathy shown in such cases is totally uncalled for and opposed to public interest. The amount misappropriated may be small or large, it is an act misappropriation that is relevant."

8. On the point Ld. Adv. for the first party also cited another Apex Court ruling in **Ganesh Santa Ram Sirur V/s. State Bank of India & Anr. AIR 2005 SC 314**. In para 33 of the judgment Hon'ble Court referred its earlier judgement **2003 (3) SCC 605** and reiterated the observations;

"If the charged employee holds a position of trust where honesty and integrity are inbuilt requirements of functioning, it would not be proper to deal with the matter leniently. Misconduct in such cases has to be dealt with iron hands. Where the person deals with public money or is engaged in financial transactions or acts in a fiduciary

capacity, the highest degree of integrity and trustworthiness is a must and unexceptionable."

9. The Ld. Adv. for the first party further submitted that once Bank lost confidence for serious misconduct such employees should not be continued in the service. In support of his argument Ld. Adv. resorted to Apex Court ruling in **Janatha Bazaar South Canara Central Co-operative Wholesale Stores Ltd. & Ors. V/s. Secretary, Sahakari Nookarana Sangh & Ors. 2000 ILLJ 1395** wherein the Hon'ble Apex Court reiterated its earlier view taken in **Punjab Dairy Development case (1997) 6 SCC 159**. Wherein the Hon'ble Court has observed that;

"In view of proof of misconduct a necessary consequence will be that management has lost confidence that the workman would truthfully and faithfully carry out his duties and consequently the Labour Court rightly declined to exercise the power under Section 11-A of the I.D. Act to grant relief with minor penalty."

10. The Ld. Adv. also cited following rulings on the point of punishment. They are:

- (1) Suresh Pathrella V/s. Oriental Bank of Commerce (2006) 10 SCC 572.
- (2) State Bank of India V/s. Bela Bagchi & Ors. (2005) 7 SCC 435.
- (3) Regional Manager, Rajasthan State Road Transport Corporation V/s. Sohanlal (2004) 4 SCC 218.
- (4) U.P. State Road Transport Corporation V/s. Vinod Kumar 2008 (2) Mh. L.J. 161
- (5) State Bank of Mysore & Ors. V/s. M.C. Krishnappa (2011) 7 SCC 325.

11. In all these judgments the Hon'ble Court has held that the Bank employee should discharge his duties with utmost integrity, honesty, devotion and diligence and to do nothing which is unbecoming of a bank official. In respect of dishonest employee the Hon'ble Court also held that, to continue such an employee in the employment of Corporation by virtue of judicial verdict would be an act of misplaced sympathy which can find no foundation in law of equity.

12. In the light of above cited rulings the Ld. Adv. for the first party further submitted that the disciplinary authority has rightly imposed the punishment of dismissal. He further submitted that, in the light of these rulings, the request of the workman to take lenient view and to reinstate him in service does not stand to reasons. As against this the Ld. Adv. for the second party brought to my notice that it has come on record that the second party workman has confessed that, he had fraudulently made the false credit entry and had withdrawn the amount of

Rs. 50,000/-. The Ld. Adv. for the second party also pointed out that it is the first act of misconduct on the part of the workman. He further submitted that, the workman has not only confessed his guilt but has also deposited the amount of Rs. 50,000/- which alleged to have been withdrawn fraudulently. In the circumstances he submitted that due to dismissal from service his entire family is being ruined and lenient view needs to be taken. I take into account all these facts. I have also given due consideration that it is first incident of misconduct of the workman. He has not only confessed but also deposited the amount alleged to have withdrawn fraudulently. In the circumstances as per present trend in criminal jurisprudence reformatory theory of punishment is being adopted. Not only the workman but his entire family is being ruined as the workman falls prey to his lust of money. All these circumstances no doubt lead this Tribunal to take lenient view. At the same time the ratio laid down in the above referred rulings cannot be lost sight of. Where in it is observed that, such employee should not be reinstated or continued in service of a Bank. Reinstatement would amount to sympathy uncalled for as has been observed by Hon'ble Apex Court in one of the above referred rulings.

13. In this respect in the light of ratio laid down in the above ruling the workman cannot be reinstated in service. At the same time, I take into consideration that there was no loss to the Bank and the workman has fairly confessed the act of misconduct. It was his first misconduct and poverty of workman seems the reason behind the act of misconduct. In this back drop instead of dismissal to meet the end of justice, I think it proper to award the punishment of compulsory retirement with all pensionary benefits as per rules so that workman would not be in service of the Bank at the same time his family would not be ruined and he would get some financial assistance in support of his family. Thus I decide the issue no. 3 partly in the affirmative and issue no. 4 in the negative and proceed to pass the following order:

ORDER

- I. The reference is partly allowed with no order as to cost.
- II. The punishment of dismissal from service is substituted by punishment of compulsory retirement with all pensionary benefits.

Date: 08.04.2015

K.B. KATAKE, Presiding Officer

नई दिल्ली, 11 जून, 2015

का.आ. 1218.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार क्षेत्रीय ग्रामीण बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच

अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 22/07) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/06/2015 को प्राप्त हुआ था।

[सं. एल-12012/81/2006-आई आर (बी-1)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 11th June, 2015

S.O. 1218.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 22/07) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of Kshetriya Gramin Bank and their workmen, received by the Central Government on 11/06/2015.

[No. L-12012/81/2006-IR(B-I)]

SUMATI SAKLANI, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

No. CGIT/L/R/27/07

Shri Dilip Garhwal,
S/o Shri J.L. Garhwal,
R/o Kilapura Ward,
Sohagpur,
Distt. Hoshangabad

...Workman

Versus

The Chairman,
Kshetriya Gramin Bank,
Head Office, Mangalwara,
Hoshangabad

...Management

AWARD

Passed on this 13th day of May 2015

1. As per letter dated 6-2-07 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D. Act, 1947 as per Notification No.L-12012/81/2006-IR(B-I). The dispute under reference relates to:

"Whether the action of the management of Chairman, Kshetriya Gramin Bank, Hoshangabad in terminating the services of Shri Dilip Garhwal, S/o J.L. Garhwal as Authorised Collection Agent *w.e.f.* 14-2-2004 is legal and justified? If not, to what relief the concerned workman is entitled to?"

2. After receiving reference, notices were issued to the parties. Ist party workman despite of repeated notices failed to participate in reference proceeding. He is proceeded *ex parte* on 9-9-2011.

3. IInd party management filed exparte Written Statement. Case of IInd party is that it is merged in Central MP Gramin Bank having its head office at Chhindwara. The management Kshetriya Gramin Bank started Gramin Nidhi Deposit Scheme. Ist party workman was engaged on temporary basis as an agent under the scheme. He was entitled to 2% of total collection made by him each month. The commission was paid in Ist week of the month. The scheme was introduced during the period 1986 to 2000 in 15 branches of the Bank. The interest in the scheme was revised 13% of term deposit. On the saving Bank Deposit, the rate of interest was 5%. New review of the scheme was taken, the cost was found 6.3% for implementation of the scheme. The Bank was constrained to close down the scheme *w.e.f* 14-2-04. The decision was published in the newspaper. The agreement were entered between agents and the management. The agents were terminated. It is reiterated that the workman was engaged on temporary basis. He was paid commission. Ist party is not covered as workman under Section 2(s) of ID Act. His discontinuation is covered under Section 2(oo)(bb) of ID Act. IInd party referred to ratio held in various cases. IInd party submits that there was delay in raising dispute, no dispute award be passed.

4. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:—

- | | |
|--|--|
| (i) Whether the action of the management of Chairman, Kshetriya Gramin Bank, Hoshangabad in terminating the services of Shri Dilip Garhwal, S/o J.L. Garhwal as Authorised Collection Agent <i>w.e.f</i> 14.2.2004 is legal and justified? | In Affirmative |
| (ii) If not, what relief the workman is entitled to?" | Workman is not entitled to any relief. |

REASONS

5. Though termination of service of Ist party workman is challenged, as per the terms of reference, Ist party workman failed to file statement of claim. It is proceeded exparte on 9-9-2011. IInd party filed Written Statement contending that Ist party workman was temporarily engaged as per the deposit scheme. The cost of the scheme was high therefore management decided to close the scheme.

6. Management's witness Shri Rajesh Kumar Agrawal filed affidavit of evidence covering above contentions in Written Statement. As workman is proceeded exparte, he has not participated in reference proceeding, I accept evidence of the witness of IInd party. The workman has

failed to establish that termination of his service suffers from illegality. Therefore I record my finding in Point No. 1 in Affirmative.

7. In the result, award is passed as under:—

- (1) The action of the management of Chairman, Kshetriya Gramin Bank, Hoshangabad in terminating the services of Shri Dilip Garhwal, S/o J.L. Garhwal as Authorised Collection Agent *w.e.f* 14-2-2004 is legal and proper.
- (2) Workman is not entitled to any relief.

R.B. PATLE, Presiding Officer

नई दिल्ली, 11 जून, 2015

का.आ. 1219.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डी०आर०एम०ई० रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद के पंचाट संदर्भ संख्या (48/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/06/2015 को प्राप्त हुआ था।

[सं० एल-41012/241/2000-आईआर(बी-1)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 11th June, 2015

S.O. 1219.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 48/2001) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, Dhanbad as shown in the Annexure, in the Industrial Dispute between the management of D.R.M.E. Railway and their workmen, received by the Central Government on 11/06/2015.

[No. L-41012/241/2000-IR(B-I)]

SUMATI SAKLANI, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/s 10(1)(d)(2A) of I.D. Act, 1947

Reference: No. 48/2001

Employer in relation to the management of Eastern Railway Dhanbad,

AND

Their workmen.

Present :

Shri R.K. Saran, Presiding Officer

Appearances:

For the Employers : Shri Sanjay Kumar Advocate
 For the workman : Shri D.K. Verma, Advocate
 State : Jharkhand Industry : Railway

Dated: 20/05/2015

AWARD

By Order No. L-41012/241/2000-IR(B-I) dated 15/02/2001, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

"Whether the action of D.R.M.E. Rly, Dhanbad in not regularizing the services of Workmen, S/Shri Ramnath Yadav, Gorakh Yadav and 19 others working as Parcel Porters under contract in Parcel office at Dhanbad Railway Station, Dhanbad, in view of the verdict of the Hon'ble Supreme Court of India in writ petition (civil) No. 90/91, is justified, legal and proper?" If not to what relief the workmen are entitled to?"

List of workmen

1. Ayodhya Chaudhi 2. Sugriv Yadav 3. Gorakh Yadav 4. Ramnath Yadav 5. Shri Bhagwan Paswan 6. Dayasagar Yadav 7. Bhola Yadav 8. Basist Yadav 9. Sumer Yadav 10. Ram Surat Yadav 11. Rama Shankar Yadav 12. Harendra Yadav 13. Rajendra Yadav-I 14. Kundan Yadav 15. Rajendra Yadav-II.

2. After receipt of the reference, both parties are noticed. But appearing for certain dates, Ld. Counsel for the workman submits that workman is not interested to contest the case. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R.K. SARAN, Presiding Officer

नई दिल्ली, 11 जून, 2015

का.आ. 1220.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर पूर्व रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट संदर्भ संख्या (63/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/06/2015 को प्राप्त हुआ था।

[सं एल-41011/77/2014-आईआर(बी-1)]
 सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 11th June, 2015

S.O. 1220.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 63/2014) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure, in the Industrial Dispute between the management of North Eastern Railway and their workmen, received by the Central Government on 11/06/2015.

[No. L-41011/77/2014-IR(B-I)]
 SUMATI SAKLANI, Section Officer

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT LUCKNOW****PRESENT :**

Rakesh Kumar, Presiding Officer

I.D. No. 63/2014

Ref. No. L-41011/77/2014-IR(B-1) dated: 14.10.2014

BETWEEN

Anchal Sangthan, Secretary
 Rail Sevak Sangh
 C/o Shri D.P. Awasthi
 49, Tilak Nagar,
 Lucknow.

(Espousing cause of Shri Rakesh Chandra)

AND

1. Sr. Divisional Personnel Officer
 North Eastern Railway
 DRM Office, Ashok Marg,
 Lucknow.
2. The Chief Medical Superintendent
 North Eastern Railway
 Gonda (UP)

AWARD

1. By Order No. L-41011/77/2014-IR(B-I) dated: 14.10.2014 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Anchal Sangthan, Secretary, Rail Sevak Sangh, C/o Shri D.P. Awasthi, 49, Tilak Nagar, Lucknow and Sr. Divisional Personnel Officer, North Eastern Railway, DRM Office, Ashok Marg, Lucknow & the Chief Medical Superintendent, North Eastern Railway, Gonda (UP) for adjudication.

2. The reference under adjudication is:

“क्या पूर्वोत्तर रेल प्रशासन, लखनऊ व गोंडा द्वारा श्री रमेश चन्द्र पुत्र मथुरा प्रसाद, सफाईवाला को पुरानी पेंशन न देकर नई पेंशन दिया जाना न्यायोचित एवं वैध है? यदि नहीं तो कामगार किस राहत को पाने का हकदार है?”

3. On receipt of the reference order the workman's union was issued registered notice to file his statement of claim complete with relevant documents, list of reliance and witnesses before Tribunal on 26.12.2014 with an advance copy to the opposite party. The Secretary of the workman's union appeared before this Tribunal and requested for a date for filing of statement of claim.

4. On successive dates the management also turned up. Since the case was related to grant of old pension scheme instead of new pension scheme, the parties were advised to settle the dispute amicably through Lok Adalat. Accordingly, the case was taken up at Lok Adalat on 08.05.2015.

5. On 08.05.2015, Shri D.P. Awasthi, Secretary of the workman's union was present whereas the opposite parties were represented by Shri Upendera Kumar Sharma, Chief Welfare Officer.

6. The opposite party filed M-5, letter signed by Shri P.B. Prasad, Senior Divisional Personnel Officer, North Eastern Railway, Lucknow, enclosing circular No. 2012/F/(E) III/I(1)/2 dated 29.10.2014 of the Railway Board. The management in letter M-3, referring circular dated 29.10.2014 has stated that the Railway Board, New Delhi vide their circular dated 29.10.2014 has directed to cover the employees who got temporary status prior to 01.10.2004 may be covered under Old Pension Scheme.

7. A copy of the M-3 was furnished to the workman's union. Shri D.P. Awasthi after going through the contents of letter, M-3 and circular dated 29.10.2014 showed willingness to withdraw the present industrial dispute being claim settled; and made an endorsement thereupon as under:

"Since the relief claimed by the Union has been accepted by the opposite parties, the further proceedings of this case may kindly be dropped."

8. In view of the submission/endorsement of the workman's union for dropping of the proceedings, there is no grievance left with the workman's union as the present industrial dispute pertains to non-grant of old pension to the workman by the railway management and the management of the railway has granted the same vide circular 2012/F(E)III/I(1)/2 dated 29.10.2014 of the Railway Board. Resultantly, the industrial dispute stands settled; and no relief is required to be given to the workman concerned. The reference under adjudication is answered accordingly.

9. Award as above.

Lucknow
27th May, 2014.

RAKESH KUMAR, Presiding Officer

नई दिल्ली, 11 जून, 2015

का.आ. 1221.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर पूर्व रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध 1 में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण लखनऊ के पंचाट (संदर्भ संख्या 29/2014) को प्रकाशित करती है जो केन्द्रीय सरकार को 11/06/2015 को प्राप्त हुआ था।

[सं० एल-41011/29/2014-आईआर(बी-1)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 11th June, 2015

S.O. 1221.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 29/2014) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure, in the Industrial Dispute between the management of North Eastern Railway and their workmen, received by the Central Government on 11/06/2015.

[No. L-41011/29/2014-IR(B-I)]

SUMATI SAKLANI, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, LUCKNOW

PRESENT :

RAKESH KUMAR, Presiding Officer

I.D. No. 29/2014

Ref. No. L-41011/29/2014-IR(B-1) dated: 09.04.2014

BETWEEN

Anchal Sangthan Secretary
Rail Sevak Sangh
C/o Shri D.P. Awasthi
49, Tilak Nagar
Lucknow.

(Espousing cause of Sri Akhilesh)

AND

1. Sr. Divisional Personnel Officer
North Eastern Railway
DRM Office, Ashok Marg,
Lucknow.
2. The Chief Medical Superintendent
North Eastern Railway
Gonda (UP)

AWARD

1. By order No. L-41011/29/2014-IR(B-I) dated: 09.04.2014 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Anchal Sangthan Secretary, Rail Sevak Sangh, C/o Shri D.P. Awasthi, 49, Tilak Nagar, Lucknow and Sr. Divisional Personnel Officer, North Eastern Railway, DRM Office, Ashok Marg, Lucknow & the Chief Medical Superintendent, North Eastern Railway, Gonda (UP) for adjudication.

2. The reference under adjudication is:

“क्या पूर्वोत्तर रेल प्रशासन, लखनऊ व गोंडा द्वारा श्री अखिलेश पुत्र श्री जयश्री राम उग्रह तिवारी, सफाईवाला को पुरानी पेंशन न देकर नई पेंशन दिया जाना न्यायोचित एवं वैध है? यदि नहीं तो कामगार किस राहत को पाने का हकदार है?”

3. On receipt of the reference order the workman's union was issued registered notice to file his statement of claim complete with relevant documents, list of reliance and witnesses before Tribunal on 25.06.2014 with an advance copy to the opposite party. The Secretary of the workman's union appeared before this Tribunal and requested for a date for filing of statement of claim.

4. On successive dates the management also turned up. Since the case was related to grant of old pension scheme instead of new pension scheme, the parties were advised to settle the dispute amicably through Lok Adalat. Accordingly, the case was taken up at Lok Adalat on 08.05.2015.

5. On 08.05.2015, Shri D.P. Awasthi, Secretary of the workman's union was present whereas the opposite parties were represented by Shri Upendra Kumar Sharma, Chief Welfare Officer.

6. The opposite party filed M-3, letter signed by Shri P.B. Prasad, Senior Divisional Personnel Officer, North Eastern Railway, Lucknow, enclosing circular No. 2012/F/(E)III/I(1)/2 dated 29.10.2014 of the Railway Board. The management in letter M-3, referring circular dated 29.10.2014 has stated that the Railway Board, New Delhi *vide* their circular dated 29.10.2014 has directed to cover the employees who got temporary status prior to 01.10.2004 may be covered under Old Pension Scheme.

7. A copy of the M-3 was furnished to the workman's union. Shri D.P. Awasthi after going through the contents of letter, M-3 and circular dated 29.10.2014 showed willingness to withdraw the present industrial dispute being claim settled; and made an endorsement thereupon as under:

"Since the relief claimed by the Union is accepted by the rail management. The further proceedings of case may kindly be dropped."

8. In view of the submission/endorsement of the workman's union for dropping of the proceedings, there

is no grievance left with the workman's union as the present industrial dispute pertains to non-grant of old pension to the workman by the railway management and the management of the railway has granted the same *vide* circular 2012/F(E)III/I(1)/2 dated 29.10.2014 of the Railway Board. Resultantly, the industrial dispute stands settled; and no relief is required to be given to the workman concerned. The reference under adjudication is answered accordingly.

9. Award as above.

Lucknow
18th May, 2015

RAKESH KUMAR, Presiding Officer

नई दिल्ली, 11 जून, 2015

का.आ. 1222.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर पूर्व रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण लखनऊ के पंचाट (संदर्भ संख्या 28/2014) को प्रकाशित करती है जो केन्द्रीय सरकार को 11/06/2015 को प्राप्त हुआ था।

[सं एल-41011/28/2014-आईआर(बी-1)]

सुमति सकलानी, अनुभाग अधिकारी

New Delhi, the 11th June, 2015

S.O. 1222.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 28/2014) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure, in the Industrial Dispute between the management of North Eastern Railway and their workmen, received by the Central Government on 11/06/2015.

[No. L-41011/28/2014-IR(B-1)]

SUMATI SAKLANI, Section Officer

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, LUCKNOW****PRESENT :**

RAKESH KUMAR, Presiding Officer

I.D. No. 28/2014

Ref. No. L-41011/28/2014-IR(B-1) dated: 09.04.2014

BETWEEN

Anchal Sangthan Secretary
Rail Sevak Sangh
C/o Shri D.P. Awasthi
49, Tilak Nagar
Lucknow.

(Espousing cause of Sri Shikari)

AND

1. Sr. Divisional Personnel Officer
North Eastern Railway
DRM Office, Ashok Marg,
Lucknow.
2. The Chief Medical Superintendent
North Eastern Railway
Gonda (UP)

AWARD

1. By order No. L-41011/28/2014-IR(B-I) dated: 09.04.2014 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Anchal Sangthan Secretary, Rail Sevak Sangh, C/o Shri D.P. Awasthi, 49, Tilak Nagar, Lucknow and Sr. Divisional Personnel Officer, North Eastern Railway, DRM Office, Ashok Marg, Lucknow & the Chief Medical Superintendent, North Eastern Railway, Gonda (UP) for adjudication.

2. The reference under adjudication is:

“क्या पूर्वोत्तर रेल प्रशासन, लखनऊ व गोंडा द्वारा श्री शिकारी पुत्र श्री जुम्मन, सफाईवाला को पुरानी पेंशन न देकर नई पेंशन दिया जाना न्यायोचित एवं वैध है? यदि नहीं तो कामगार किस राहत को पाने का हकदार है?”

3. On receipt of the reference order the workman's union was issued registered notice to file his statement of claim complete with relevant documents, list of reliance and witnesses before Tribunal on 25.06.2014 with an advance copy to the opposite party. The Secretary of the workman's union appeared before this Tribunal and requested for a date for filing of statement of claim.

4. On successive dates the management also turned up. Since the case was related to grant of old pension scheme instead of new pension scheme, the parties were advised to settle the dispute amicably through Lok Adalat. Accordingly, the case was taken up at Lok Adalat on 08.05.2015.

5. On 08.05.2015, Shri D.P. Awasthi, Secretary of the workman's union was present whereas the opposite parties were represented by Shri Upendera Kumar Sharma, Chief Welfare Officer.

6. The opposite party filed M-5, letter signed by Shri P.B. Prasad, Senior Divisional Personnel Officer, North Eastern Railway, Lucknow, enclosing circular No. 2012/F(E) III/I(1)/2 dated 29.10.2014 of the Railway Board. The management in letter M-3, referring circular dated 29.10.2014 has stated that the Railway Board, New Delhi *vide* their circular dated 29.10.2014 has directed to cover the employees who got temporary status prior to 01.10.2004 may be covered under Old Pension Scheme.

7. A copy of the M-3 was furnished to the workman's union. Shri D.P. Awasthi after going through the contents of letter, M-3 and circular dated 29.10.2014 showed willingness to withdraw the present industrial dispute being claim settled; and made an endorsement thereupon as under:

"Since the relief claimed by the Union is accepted by the Railway Management. The further proceedings of this case may kindly be dropped."

8. In view of the submission/endorsement of the workman's union for dropping of the proceedings, there is no grievance left with the workman's union as the present industrial dispute pertains to non-grant of old pension to the workman by the railway management and the management of the railway has granted the same *vide* circular 2012/F(E)III/I(1)/2 dated 29.10.2014 of the Railway Board. Resultantly, the industrial dispute stands settled; and no relief is required to be given to the workman concerned. The reference under adjudication is answered accordingly.

9. Award as above.

Lucknow
18th May, 2014

RAKESH KUMAR, Presiding Officer